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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT FOR NEW JERSEY**

W.Y. INDUSTRIES, INC.,

Plaintiff,

CIVIL ACTION NO.:
2:08-cv-05349 (SDW)(MCA)

Document Electronically Filed

KARI-OUT CLUB, LLC, F/K/A
KARI-OUT KLUB, LLC, d/b/a
KARI-OUT COMPANY; PERK-UP,
INC., a/k/a KARI-OUT INC., TRIPAK
INDUSTRIAL USA, LLC, et al.,

Defendants.

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Defendants, Kari-Out Club, LLC, Perk-Up, Inc. and Tripak, Industrial USA, LLC hereby appeal to the United States Court of Appeals for the Federal Circuit from the Final Judgment of the District Court entered on December 11, 2012.

Gertner Mandel & Peslak, LLC
Attorney for Defendants

Dated: January 30, 2013

By: s/Arthur M. Peslak
Arthur M. Peslak

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Appeal was duly filed and served electronically by ECF and by first class mail, postage prepaid this 30th day of January, 2013, upon counsel for Plaintiff, W.Y. Industries, Inc., Dennis Gleason, Esq., Carella Byrne Cecchi Olsten, Brody & Agnello, P.C., 5 Becker Farm Road, Roseland, New Jersey 07068-1783.

s/Arthur M. Peslak

Arthur M. Peslak, Esq.