UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

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EXERGEN CORPORATION

Plaintiff,

v.

BROOKLANDS INC.

Defendant.

Civil Action No. 1:12-cv-12243 (DPW)

EXERGEN'S NOTICE OF APPEAL

Notice is hereby given that plaintiff, Exergen Corporation, appeals to the United States

Court of Appeals for the Federal Circuit from the Memorandum and Order [D.N. 124] and

Judgment [D.N. 125] entered on August 28, 2015.

Date: September 25, 2015

Respectfully submitted,

EXERGEN CORPORATION By its attorneys,

/s/ Joel R. Leeman

Robert M. Asher (BBO # 22865) Kerry L. Timbers (BBO # 552293) Joel R. Leeman (BBO # 292070) Brandon Scruggs (BBO# 672541) Sharona H. Sternberg (BBO # 682384) SUNSTEIN KANN MURPHY & TIMBERS LLP 125 Summer Street Boston, MA 02110-1618 (617) 443-9292 jleeman@sunsteinlaw.com Case 1:12-cv-12243-DPW Document 130 Filed 09/25/15 Page 2 of 2

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on the above date.

<u>/s/ Joel R. Leeman</u> Joel R. Leeman

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