

**UNITED STATES DISTRICT COURT
NORTHWESTERN DIVISION
DISTRICT OF NORTH DAKOTA**

ENERGY HEATING, LLC, and ROCKY)
MOUNTAIN OILFIELD SERVICES,)
LLC,)

Plaintiffs and)
Counterclaim Defendants,)

v.)

HEAT ON-THE-FLY, LLC, and SUPER)
HEATERS NORTH DAKOTA, LLC)
Defendants,)

and)

HEAT ON-THE-FLY, LLC,)
Counterclaimant.)

HEAT ON-THE-FLY, LLC,)
Third-Party Plaintiff /)
Counterclaim Defendant,)

v.)

MARATHON OIL CORPORATION, and)
MARATHON OIL COMPANY)
Third Party Defendant.)

No. 4:13-cv-00010-RRE-ARS

**HEAT ON-THE-FLY AND
SUPER HEATERS
NOTICE OF APPEAL
TO THE UNITED STATES
COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

Pursuant to Federal Rule of Appellate Procedure 4(a), Defendants Heat On-The-Fly, LLC and Super Heaters North Dakota, LLC file this Notice of Appeal to the United States Court of Appeals for the Federal Circuit from the Final Judgment entered on January 20, 2016 (Doc. 620), the District Court's Orders entered on January 14, 2016 (Doc. 616, 619), the District Court's Order entered on March 31, 2015 (Doc. 358), the District Court's Order entered on July 7, 2014, and all other adverse orders that have merged into the Final Judgment, including but not limited to the District Court's Order granting in part and denying in part Plaintiffs' motion for summary judgment (Dkt. No. 102), the District Court's Order on Defendants' Motion for Partial Summary Judgment (Dkt. No. 456), the District Court's Order on Defendants' Motion for Partial Summary Judgment (Dkt. No. 457), the District Court's Order on Motions in Limine (Dkt. No. 530), the District Court's Order on Issues Addressed in the Court's Pretrial Hearing of August 17, 2015 (Dkt. No. 539), the District Court's Order on Plaintiffs' Request for Clarification/Reconsideration of the Court's Motion in Limine Order (Dkt. No. 554), and the District Court's denial of Defendants' Motion for Judgment as a Matter of Law (Dkt. No. 577). Defendants reserve the right to amend this notice after certain pending issues on attorneys' fees are disposed pursuant to Rule 4(a)(4)(B).

DATED: February 3, 2016

Respectfully submitted,

/s/ Paul J. Robbennolt

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CERTIFICATE OF SERVICE

This is to certify that on February 3, 2016 a true and correct copy of the foregoing Notice of Appeal was served on all counsel of record via the electronic case filing system of the United States District Court for the District of North Dakota.

/s/ Paul J. Robbennolt

Paul J. Robbennolt

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