

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION

ENERGY HEATING, LLC and ROCKY	)	
MOUNTAIN OILFIELD SERVICES, LLC,	)	Case No. 4:13-cv-010-RRE-ARS
	)	
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/	)	
Counterclaimant.	)	

NOTICE OF APPEAL

Pursuant to Federal Rules of Procedure 3 and 4, Third-Party Defendants Marathon Oil Corporation and Marathon Oil Company (Marathon) give notice of their appeal to the United States Court of Appeals for the Federal Circuit from (1) the Order on Motions for Exemplary Damages and Award of Costs and Attorney Fees entered by this Court on March 16, 2016, and (2) all related orders and rulings adverse to Marathon that may have become final upon issuance of the March 16, 2016 order.

DATED this 15th day of April, 2016.

/s/ Shane P. Coleman

Shane P. Coleman (admitted *pro hac vice*)

HOLLAND & HART LLP

401 North 31st Street, Suite 1500

Billings, MT 59101-1277

Telephone: (406) 252-2166

Fax: (406) 252-1669

Email: spcoleman@hollandhart.com

Christopher B. Hadley

(admitted *pro hac vice*)

222 South Main St., Suite 2200

Salt Lake City, UT 84101

Telephone: (801) 799-5873

Facsimile: (801) 618-4238

Email: cbhadley@hollandhart.com

Ronald H. McLean

Jane L. Dynes

SERKLAND LAW FIRM

10 Roberts Street

P.O. Box 6017

Fargo, ND 58108-6017

Email: rmclean@serklandlaw.com

jdynes@serklandlaw.com

ATTORNEYS FOR THIRD-PARTY
DEFENDANT/COUNTERCLAIMANT
MARATHON OIL CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of April, 2016, I hand filed the foregoing with the court and I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed as follows:

Paul J. Robbenolt
WINTHROP & WEINSTINE, P.A.
225 South 6th Street, Suite 3500
Minneapolis, MN 55402
Tel: (612) 604-6400
probbenolt@winthrop.com

☐ U.S. Mail
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ CM/ECF Notification
☐ Email

Attorney for Defendants

Ryan Schildkraut
Devan V. Padmanabhan
Michelle E. Dawson
Britta S. Loftus
Gerald H. Sullivan Jr.
WINTHROP & WEINSTINE, P.A.
225 South 6th Street, Suite 3500
Minneapolis, MN 55402
Tel: (612) 604-6400
rschildkraut@winthrop.com
dpadmanabhan@winthrop.com
mdawson@winthrop.com
bloftus@winthrop.com
gsullivan@winthrop.com

☐ U.S. Mail
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ CM/ECF Notification
☐ Email

Attorneys for Defendants

Henry A. King LA Bar No 7393
Len R. Brignac LA Bar No 18139
KING, KREBS & JURGENS, P.L.L.C.
201 St. Charles Avenue, Suite 4500
New Orleans, LA 70170
Tel: (504) 582-3800
hking@kingkrebs.com
lbrignac@kingkrebs.com

☐ U.S. Mail
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ CM/ECF Notification
☐ Email

Attorneys for Defendants

Scott A. Brister
ANDREW KURTH LLP
111 Congress Avenue, Suite 1700
Austin, TX 78701
Tel: (512) 320-9220
scottbrister@andrewskurth.com

☐ U.S. Mail
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ CM/ECF Notification
☐ Email

Lloyd L. Davis
Gregory L. Porter
ANDREWS KURTH LLP
600 Travis, Suite 4200
Houston, TX 77002
leedavis@andrewskurth.com
gregporter@andrewskurth.com

Attorneys for Defendants

Steven V. Gibbons
Gibbons & Associates, P.S.
601 Union Street, Suite 2600
Seattle, WA 98101-4000
Tel: (206) 381-3340
Fax: (206) 381-3341
svg@gibbonslawgroup.com

☐ U.S. Mail
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ CM/ECF Notification
☐ Email

Attorney for Plaintiffs

/s/ Shane P. Coleman