

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

BESTOP, INC.,

Plaintiff,

v.

TUFFY SECURITY PRODUCTS, INC.,

Defendant.

Case No. 13-cv-10759-NGE-MJH

Honorable Nancy G. Edmunds

Magistrate Judge Michael Hluchaniuk

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**NOTICE OF APPEAL UNDER 28 U.S.C. §1292(c)(2)**

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**NOTICE OF APPEAL UNDER 28 U.S.C. §1292(c)(2)**

Notice is hereby given that Defendant in the above-named case hereby appeals to the United States Court of Appeals for the Federal Circuit from the following orders entered by the District Court in this matter:

1. The Order Granting Plaintiff's Motion For Permanent Injunction And An Accounting ("Injunction Order") entered on April 29, 2016, (Dkt.169), including all Findings, Conclusions and Orders leading to and supporting the grant of the permanent injunction<sup>1</sup>;
2. The Opinion And Order Granting Plaintiff's Motion For Summary Judgment [Dkt. 118]; And Denying Defendant's Motion For Summary Judgment [Dkt. 133] ("Summary Judgment Order" (Dkt. 166)) having been entered in this action on December 16, 2015; and including all Findings, Conclusions and Orders leading to and supporting the liability determination of the Summary Judgment Order (such as the Order [Dkt. 80] Adopting The Special Master's Report and Recommendation [Dkt. 68]). Said Summary Judgment Order (Dkt. 166) finding liability for patent infringement by Defendant based on the Court's adopted claim construction (Dkt. 80).

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<sup>1</sup> An accounting has not yet occurred. The Court has stayed the accounting proceedings pending appeal. (#180)

Since this Court has granted summary judgment of validity and infringement and issued an injunction; all that remains are issues related to the determination of damages. This interlocutory appeal is thus appropriate under § 1292(c)(2). (See Dkt. 183.)

Respectfully submitted on this 26th day of May 2016.

/s/Ramon Pizarro

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 26th day of May, 2016, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Michigan, using the electronic case filing system of the Court.

The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

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