

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
EXERGEN CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action No. 1:13-cv-10628 RGS
KAZ USA, INC.,	)	
	)	
Defendant.	)	
_____	)	

**EXERGEN’S NOTICE OF CROSS-APPEAL**

Notice is hereby given that plaintiff, Exergen Corporation, cross-appeals to the United States Court of Appeals for the Federal Circuit from the following judgments and orders of the United States District Court for the District of Massachusetts: (1) the final judgment entered in this action on June 8, 2016 (D.N. 445), to the extent that it failed to include enhanced damages under 35 U.S.C. § 284; (2) the since-amended judgment entered on March 28, 2016 (D.N. 396), to the extent that it failed to include enhanced damages under 35 U.S.C. § 284; (3) the order entered on August 20, 2015 (D.N. 251) granting Kaz USA’s motion for summary judgment of no willfulness; (4) the electronic order entered on June 1, 2016 (D.N. 439) denying Exergen’s post-trial motion for enhanced damages; and (5) all adverse underlying orders, decisions, rulings, and opinions.

Date: July 13, 2016

Respectfully submitted,

EXERGEN CORPORATION  
By its attorneys,

/s/ Brandon T. Scruggs

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**CERTIFICATE OF SERVICE**

I 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 and paper copies will be sent to those indicated as non-registered participants on the above date.

*/s/ Brandon T. Scruggs*  
\_\_\_\_\_  
Brandon T. Scruggs

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