

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

TRUSTEES OF BOSTON UNIVERSITY,

Plaintiff,

v.

EPISTAR CORPORATION,

Defendant.

Civil Action No. 1:12-cv-12326-PBS

PLAINTIFF'S NOTICE OF APPEAL

Notice is hereby given that Plaintiff Trustees of Boston University ("Boston University") hereby appeals to the United States Court of Appeals for the Federal Circuit from the final judgment as to all issues but an accounting, Dkt. 143 (Consol. Dkt. 1721) as modified by Dkt. 144 (Consol. Dkt. 1768).¹ Boston University further appeals any and all Orders, rulings, findings and/or conclusions of the Court adverse to Boston University that comprise the judgment, in whole or part. Such rulings include, without limitation, the following:

- (1) The Court's Order defining the start date for prejudgment interest and its denial of Boston University's Rule 52/Rule 59 Motions (Consol. Dkt. 1725, 1718, and 1771; Dkt. 147).
- (2) The Court's Order denying enhanced damages and denying Boston University's Motion to Vacate. Consol. Dkts. 1769 and 1784; Dkts. 145 and 150.

¹ This action was one of three cases consolidated in *In re Trustees of Boston University Patent Litigation*, 12-cv-11935-PBS. All consolidated docket entry numbers ("Consol. Dkt.") herein refer to the docket entries under that cause number.

(3) The Court's ruling on Boston University's Motion for Attorneys' Fees under 35 U.S.C. § 285. Consol. Dkt. 1770; Dkt. 146.

(4) The Court's rulings contained in Consol. Dkts. 370, 761, 796 and 845.

The Federal Circuit has *exclusive jurisdiction* over this appeal because it is a civil action arising under one or more Acts of Congress relating to patents. 28 U.S.C. § 1295(a)(1); *see also* 28 U.S.C. § 1292(c)(2). The Defendant filed a Notice of Appeal to the Court of Appeals for the Federal Circuit on or about August 12, 2016. Dkt. 151.

Date: August 26, 2016

Submitted By,

/s/ Christopher L. Evans

Erik Paul Belt, BBO #558620

EBelt@mccarter.com

Kelly A. Gabos, BBO #666219

Kgabos@mccarter.com

McCarter & English, LLP

265 Franklin Street

Boston, Massachusetts 02110

Telephone: (617) 449-6506

Facsimile: (617) 607-6035

Michael W. Shore (Texas 18294915)

mshore@shorechan.com

Alfonso Garcia Chan (Texas 24012408)

achan@shorechan.com

Russell J. DePalma (Texas 00795318)

rdepalma@shorechan.com

Christopher L. Evans (Texas 24058901)

cevans@shorechan.com

SHORE CHAN DEPUMPO LLP

901 Main Street, Suite 3300

Dallas, Texas 75202

Telephone (214) 593-9110

Facsimile (214) 593-9111

COUNSEL FOR TRUSTEES OF BOSTON
UNIVERSITY

CERTIFICATE OF SERVICE

The undersigned certifies that the forgoing document, which was filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on August 26, 2016.

/s/ Christopher L. Evans

Christopher L. Evans