

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ARENDI S.A.R.L.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

C.A. No. 13-919-JLH

PLAINTIFF'S AMENDED NOTICE OF APPEAL

Plaintiff Arendi S.A.R.L. respectfully submits this amended notice of its appeal to the United States Court of Appeals for the Federal Circuit. Plaintiff appeals from the District Court's Final Judgment, D.I. 616, entered on February 2, 2024, and all interlocutory orders that gave rise to that final judgment.¹

This amended notice of appeal is timely under Federal Rule of Appellate Procedure 4(a)(1)(A) and 4(a)(4). The District Court entered Judgment Following Verdict, D.I. 545, on May

¹ Appeal of this judgment includes appeal of the accompanying jury verdict of non-infringement, D.I. 530 & 531; the Court's predicate Claim Construction Order of August 19, 2019, D.I. 144; *see also* D.I. 145 (memorandum opinion regarding claim construction); the Court's granting of partial summary judgment against Arendi, D.I. 393, 394; the Court's denial of Arendi's motions regarding IPR estoppel, *e.g.*, D.I. 391; D.I. 578 at 4:19-14:11; the Court's denial in part of remaining portions of Arendi's motion for summary judgment, D.I. 391, 392; the Court's exclusion of evidence concerning infringement by the doctrine of equivalents, D.I. 257; the Court's exclusion of evidence concerning the date of conception of the U.S. Patent No. 7,917,843, D.I. 258; the Court's denial of Arendi's Motion to Exclude in Part the Expert Reports and Testimony of Edward Fox, D.I. 391, 392; the Court's denial in part of Arendi's Motion to Exclude Portions of Dr. Martin Rinard's Expert Report, D.I. 393, 394; and the Court's granting of Judgment on the Pleadings with respect to U.S. Patent Nos. 7,496,854, 7,921,356 and 8,306,993, D.I. 200, 201; *see also* D.I. 119 at 111:17-119:14. Arendi reserves the right to raise all appropriate issues on appeal.

The jury's verdict of invalidity is not a predicate for final judgment in this case, is moot and, therefore, is not a subject of this notice of appeal. Google LLC did not assert a counterclaim of invalidity and the operative Final Judgment is, therefore, limited to invalidity. *See* D.I. 615, 616.

10, 2023.² On June 2, 2023, Arendi timely moved for judgment as a matter of law and, in the alternative, for a new trial under Federal Rules of Civil Procedure 50(b) and 59(a)(1). D.I. 559. The District Court resolved those motions and entered Final Judgment on February 2, 2024. D.I. 615.

Plaintiff has submitted the required filing fee and respectfully requests the district clerk to prepare the record on appeal pursuant to Federal Rule of Appellate Procedure 10(a). Plaintiff will order from the reporter a transcript of such part of the proceedings not already on file as the appellant considers necessary, as required by Federal Rule of Appellate Procedure 10(b)(1)(A).

² Arendi filed a preliminary Notice of Appeal of the Judgment Following Verdict on June 9, 2023. Arendi noted therein that its notice would only “become[] effective . . . when the order disposing of the last” of its post-trial motions was entered per Federal Rule of Appellate Procedure 4(a)(4)(B)(i). D.I. 567. Arendi expressly “reserve[d] the right to file an amended notice of appeal” following entry of such order. Fed. R. App. P. 4(a)(4)(B)(ii).” *Id.* That preliminary Notice of Appeal is now withdrawn and superseded by this Amended Notice of Appeal.

Dated: February 23, 2024

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