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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

**CONRAD O. GARDNER**, Individually, )  
)  
Plaintiff, )  
)  
v. )  
)  
**TOYOTA MOTOR CORPORATION**, a )  
Japanese Corporation, and **TOYOTA** )  
**MOTOR SALES, U.S.A, INC.**, a Delaware )  
Corporation, )  
)  
Defendants. )  
\_\_\_\_\_ )

No. C 08-0632 RAJ

**NOTICE OF APPEAL**

Notice is hereby given that Plaintiff Conrad O. Gardner appeals to the United States Court of Appeals for the Federal Circuit from the trial court’s Order Dismissing Pending Claims, Without Prejudice, and Entering Final Judgment (Dkt No. 196), entered on September 28, 2010, and the two summary judgment orders upon which the Final Judgment relies: (1) the Order (Dkt. No. 131) granting Defendants’ Motion (Dkt. No. 70) for Partial Summary Judgment dismissing Plaintiff’s infringement claims based on claim 6 of U.S. Patent No. 7,290,627 (“627 patent”), entered on November 11, 2009; and (2) the Order (Dkt. No. 191) granting Defendants’ Motion for Summary Judgment (Dkt. No. 159), dismissing Plaintiff’s claims based on infringement of claims 1, 4, and 5 of the ‘627 patent, entered on September 10, 2010; as well as the Claim Construction Order (Dkt. No. 148), dated March 15, 2010b and entered on March 17, 2010, upon which Summary Judgment Order (Dkt. No. 191) relies.

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1 Plaintiff also appeals from the judgment entered by the Court on September 10,2010  
2 on the Toyota Defendants' Motion for Summary Judgment (Dkt. No. 159).

3 Plaintiff further appeals from the Order (Dkt. No. 189) granting in part and denying in  
4 part the Toyota Defendants' Petition (Dkt. No. 149) for Sanctions, entered on September 1,  
5 2010, and the Minute Order (Dkt. No. 144), entered on February 5, 2010 denying Plaintiff  
6 Gardner's request (Dkt. # 143 ) for leave to respond to the Defendants' expenses estimate  
7 (Dkt.# 142 ).

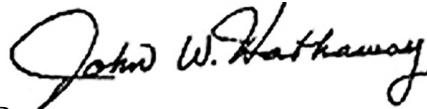
8 Plaintiff further appeals from the Order (Dkt. No. 193), entered on September 20, 2010,  
9 denying Plaintiff's Motion (Dkt. No's. 150, 151) for Partial Summary Judgment dismissing the  
10 Toyota Defendants' counterclaim for inequitable conduct.

11 This appeal includes all findings, conclusions, determinations and interlocutory orders  
12 relating to or derived from the orders being appealed.

13 The filing fee is being electronically submitted with this filing.

14 **DATED** this 30<sup>th</sup> day of September, 2010.

15 **JOHN W. HATHAWAY, PLLC**

16 

17 By

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**DECLARATION OF SERVICE**

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

On June 12, 2009, I electronically filed the following pleadings which the court's ECF system electronically mailed to the counsel listed below:

**PLEADING:** 1) Notice of Appeal/Declaration of Service

**COUNSEL:** James R Barney  
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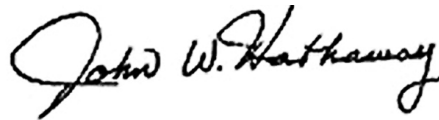
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**DATED** this 30<sup>th</sup> day of September, 2010 at Seattle, Washington.



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