

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARVEL WORLDWIDE, INC.,  
MARVEL CHARACTERS, INC. and  
MVL RIGHTS, LLC,

Plaintiffs,

-against-

LISA R. KIRBY, BARBARA J. KIRBY,  
NEAL L. KIRBY and SUSAN M. KIRBY,

Defendants.

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LISA R. KIRBY, BARBARA J. KIRBY,  
NEAL L. KIRBY and SUSAN M. KIRBY,

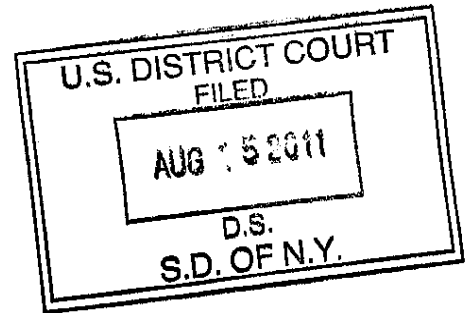
Counterclaimants,

-against-

MARVEL ENTERTAINMENT, INC.,  
MARVEL WORLDWIDE, INC.,  
MARVEL CHARACTERS, INC., MVL  
RIGHTS, LLC, THE WALT DISNEY  
COMPANY and DOES 1 through 10,

Counterclaim-Defendants.

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Civil Action No. 10-141 (CM) (KF)

**NOTICE OF APPEAL**

[ECF Case]

Notice is hereby given that Lisa R. Kirby, Barbara J. Kirby, Neal L. Kirby and Susan M. Kirby, defendants and counterclaimants in the above named case, hereby appeal to the United States Court of Appeals for the Second Circuit from the Judgment granting plaintiffs' motion for summary judgment, denying defendants' cross-motion for summary judgment, and granting plaintiffs' motion to strike the expert reports of Mark Evanier and John Morrow, entered in this action on the 8th day of August, 2011.

Dated: August 15, 2011

TOBEROFF & ASSOCIATES, P.C.



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