

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

<b>EOLAS TECHNOLOGIES</b>	§	
<b>INCORPORATED and THE REGENTS</b>	§	
<b>OF THE UNIVERSITY OF CALIFORNIA</b>	§	
	§	
<b>Plaintiffs,</b>	§	<b>CASE NO. 6:09-CV-00446-LED</b>
	§	
<b>vs.</b>	§	
	§	
<b>ADOBE SYSTEMS INC., AMAZON.COM</b>	§	<b>JURY TRIAL</b>
<b>INC., CDW CORPORATION, CITIGROUP</b>	§	
<b>INC., THE GO DADDY GROUP, INC.,</b>	§	
<b>GOOGLE INC., J.C. PENNEY</b>	§	
<b>CORPORATION, INC., STAPLES, INC.,</b>	§	
<b>YAHOO! INC., and YOUTUBE, LLC.,</b>	§	
	§	
<b>Defendants.</b>	§	

**PLAINTIFFS' NOTICE OF APPEAL**

Notice is hereby given that Plaintiffs Eolas Technologies Incorporated and The Regents of the University of California appeal to the United States Court of Appeals for the Federal Circuit from the Amended Final Judgment of this Court entered on July 19, 2012 (Dkt. 1417), and from any and all other judgments, orders, opinions, rulings, and findings pertinent or ancillary to the foregoing, including without limitation the Memorandum Opinion and Order dated July 19, 2012 (Dkt. 1414); the Judgment dated February 13, 2012 (Dkt. 1354); the Court's orders excluding settlement and license agreements and denying judgment as a matter of law at trial; the Memorandum Opinion and Order dated February 3, 2012 (Dkt. 1322); the Memorandum Opinion and Order dated January 25, 2012 (Dkt. 1297); the Discovery Hotline Order of January 6, 2012 (Dkt. 1181); the Memorandum Opinion and Order dated August 22, 2011 (Dkt. 914); and the Order on Bill of Costs dated July 19, 2012 (Dkt. 1416).

Payment of the required fee of \$455, representing the \$450 fee for docketing a case on appeal specified in 28 U.S.C. § 1913, and the \$5 fee for filing a notice of appeal specified in 28 U.S.C. § 1917, is provided with this Notice of Appeal.

Dated: August 17, 2012.

**McKool Smith, P.C.**

*/s/ Mike McKool*

Mike McKool

Lead Attorney

Texas State Bar No. 13732100

[mmckool@mckoolsmith.com](mailto:mmckool@mckoolsmith.com)

Douglas Cawley

Texas State Bar No. 04035500

[dcawley@mckoolsmith.com](mailto:dcawley@mckoolsmith.com)

**McKool Smith, P.C.**

300 Crescent Court, Suite 1500

Dallas, Texas 75201

Telephone: (214) 978-4000

Telecopier: (214) 978-4044

Kevin L. Burgess

Texas State Bar No. 24006927

[kburgess@mckoolsmith.com](mailto:kburgess@mckoolsmith.com)

Josh W. Budwin

Texas State Bar No. 24050347

[jbudwin@mckoolsmith.com](mailto:jbudwin@mckoolsmith.com)

**McKool Smith, P.C.**

300 West Sixth Street, Suite 1700

Austin, Texas 78701

Telephone: (512) 692-8700

Telecopier: (512) 692-8744

Robert M. Parker  
Texas State Bar No. 15498000  
[mparker@pbatyler.com](mailto:mparker@pbatyler.com)  
Robert Christopher Bunt  
Texas Bar No. 00787165  
[rcbunt@pbatyler.com](mailto:rcbunt@pbatyler.com)  
Andrew T. Gorham  
Texas State Bar No. 24012715  
[tgorham@pbatyler.com](mailto:tgorham@pbatyler.com)  
**PARKER, BUNT & AINSWORTH, P.C.**  
100 E. Ferguson, Suite 1114  
Tyler, Texas 75702  
Telephone: (903) 531-3535  
Telecopier: (903) 533-9687

**ATTORNEYS FOR PLAINTIFFS  
THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA AND EOLAS  
TECHNOLOGIES INCORPORATED**

### **CERTIFICATE OF SERVICE**

Pursuant to Local Rule CV-5(a)(7), the undersigned certifies that the foregoing document was filed electronically on August 17, 2012. As such, counsel for Plaintiffs has served this Motion in electronic form on all counsel who have consented to electronic service.

*/s/ Josh Budwin*  
Josh Budwin