

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

BID FOR POSITION, LLC,

Plaintiff,

v.

AOL, LLC and GOOGLE, INC.,

Defendants.

CASE NO. 2:07-cv-582 JBF/TEM

NOTICE OF APPEAL

Notice is given that Bid For Position, LLC, by counsel, hereby appeals to the United States Court of Appeals for the Federal Circuit from this Court's Amended Final Judgment entered and filed on October 30, 2008 (Docket # 196), which encompasses the Judgment entered on October 15, 2008 and filed on October 16, 2008 (Docket # 194), the Court's Order and Opinion of October 15, 2008 (Docket # 193) granting Defendants' Motion for Summary Judgment of Noninfringement, as well as from the Order and Opinion of July 11, 2008 (Docket # 142) construing certain of the claims in U.S. Patent No. 7,225,151.

Dated: October 31, 2008

Respectfully submitted,

BID FOR POSITION, LLC

By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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