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12 *Attorneys for Plaintiff*  
13 **SOFPOOL LLC**

14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

16 SOFPOOL LLC, a Limited Liability Company, )

17 Plaintiff,

18 vs.

19 KMART CORPORATION, a Michigan  
20 Corporation, and BIG LOTS, INC., an Ohio  
21 Corporation

22 Defendants.

23 KMART CORPORATION, a Michigan  
24 Corporation, and BIG LOTS, INC., an Ohio  
25 Corporation,

26 Counterclaimants,

27 vs.

28 SOFPOOL LLC, Limited Liability Company,

Counterdefendant.

Case No. 2:10-CV-03333-LKK (JMF)

**NOTICE OF APPEAL**

Honorable Lawrence K. Karlton

1 Notice is hereby given that Plaintiff Sofpool LLC in the above named case hereby appeals to  
2 the United States Court of Appeals for the Federal Circuit from the following orders, rulings and  
3 judgments of the United States District Court for the Eastern District of California.

4 1. Order dated May 29, 2013, (Docket No. 93) denying Plaintiff's Motion for Summary  
5 Judgment (Docket No. 77) and Granting Defendants' Motion for Summary Judgment  
6 (Docket No. 78) on the grounds of non-infringement entered in this action on May 30,  
7 2013.

8 2. Judgment dated June 12, 2013 (Docket No. 94).

9 3. Any and all orders, rulings and judgments underlying the foregoing.

10 Included herewith is payment of the filing fee (\$5.00) and the docketing fee (\$450.00) as  
11 required by 28 U.S.C. §§ 1913, 1917, Federal Circuit Rule 52(a)(3)(A) AND Rule 3(e) of the  
12 Federal Rules of Appellate Procedure.

13  
14 DATED: June 21, 2013

**LAW OFFICE OF JACK SLOBODIN**

15 By: /s/ Jack Slobodin

16 JACK SLOBODIN  
17 Attorney for Plaintiff  
Sofpool LLC

18 DATED: June 21, 2013

**COSTELLO LAW CORPORATION**

19 By: /s/ John P. Costello

20 JOHN P. COSTELLO  
21 Attorney for Plaintiff  
22 Sofpool LLC  
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