

**UNITED STATES DISTRICT COURT**  
**FOR THE MIDDLE DISTRICT OF TENNESSEE**

|                         |   |                                       |
|-------------------------|---|---------------------------------------|
| LLOYD RANDALL ANDERSON, | ) |                                       |
|                         | ) |                                       |
| Plaintiff,              | ) |                                       |
|                         | ) |                                       |
| v.                      | ) | Case No.: 3:12 cv 1312                |
|                         | ) |                                       |
| TOL, INC.,              | ) | Hon. Aleta A. Trauger, District Judge |
|                         | ) |                                       |
| Defendant.              | ) |                                       |
|                         | ) |                                       |
|                         | ) |                                       |

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**FIRST AMENDED NOTICE OF APPEAL**

Notice is hereby given that TOL, Inc., defendant in the above named case, hereby appeals to the United States Court of Appeals for the Federal Circuit from an order granting the preliminary injunction entered in this action on the 8th day of February, 2013.

TOL, Inc. hereby also appeals to the United States Court of Appeals for the Federal Circuit from an order holding TOL, Inc. in civil contempt entered in this action on the 30th day of May, 2013, which is incident to the appeal from the preliminary injunction.

After TOL, Inc. filed its initial Notice of Appeal (Doc. 49), the United States Court of Appeals for the Federal Circuit assigned case number 13-1253 to the appeal, which is presently deactivated.

Respectfully submitted,  
  
CISLO & THOMAS LLP

Dated: June 28, 2013

/s/ Daniel M. Cislo  
Daniel M. Cislo, admitted *pro hac vice*  
Sean D. O'Brien, admitted *pro hac vice*

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Attorneys for Defendant TOL, Inc.

**CERTIFICATE OF SERVICE**

I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Middle District of Tennessee, using the electronic case filing system of the court. The Court's Electronic Filing System caused the document to be served on:

Paige Waldron Mills  
Lucas R. Smith  
BASS, BERRY & SIMS, PLC  
150 Third Avenue South, Suite 2800  
Nashville, TN 37201

Dated: June 28, 2013

/s/ Daniel M. Cislo

Daniel M. Cislo