

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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TOUCHTUNES MUSIC CORP.,

Plaintiff,

v.

ROWE INTERNATIONAL CORP.,  
ARACHNID, INC., AMI  
ENTERTAINMENT, INC. and MERIT  
INDUSTRIES, INC. d/b/a MERIT  
ENTERTAINMENT,

Defendants.

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Civil Action No. 07-11450-RWS

AND RELATED COUNTERCLAIMS

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**NOTICE OF APPEAL**

Notice is hereby given that ARA Inc. (formerly Arachnid, Inc.), Defendant and Counterclaim Plaintiff in the above-captioned case, hereby appeals to the United States Court of Appeals for the Federal Circuit from the final judgment entered on October 29, 2014 (Dkt. No. 312), and all rulings, proceedings, orders, findings, and decisions (whether oral or written) interlocutory thereto or underlying the Judgment.

This includes, but is not limited to, the Opinion construing disputed claim terms entered on July 22, 2010 (Dkt. No. 173); the Order finding certain claims invalid and dismissing certain other claims entered on May 31, 2011 (Dkt. No. 194); the Opinion construing disputed claim terms entered on March 13, 2012 (Dkt. No. 209); the Opinion granting Defendant TouchTunes Music Corp.'s motions for summary judgment of non-infringement (Dkt. No. 274); the Opinion granting TouchTunes's motion for an award of fees and expenses entered on March 24, 2014 and

unsealed on April 3, 2014 (Dkt. No. 291); and the Order awarding fees and expenses to TouchTunes entered October 21, 2014 (Dkt. No. 311).

True and correct copies of the following items are attached hereto:

- i. Exhibit A is the October 29, 2014 Judgment (Dkt. No. 312);
- ii. Exhibit B is the Opinion construing disputed claim terms entered on July 22, 2010 (Dkt. No. 173);
- iii. Exhibit C is the Order finding certain claims invalid and dismissing certain other claims entered on May 31, 2011 (Dkt. No. 194);
- iv. Exhibit D is the Opinion construing disputed claim terms entered on March 13, 2012 (Dkt. No. 209);
- v. Exhibit E is the Opinion (under seal) granting TouchTunes's motions for summary judgment of non-infringement (Dkt. No. 274);
- vi. Exhibit F is the Opinion granting TouchTunes's motion for an award of fees and expenses entered on March 24, 2014 and unsealed on April 3, 2014 (Dkt. No. 291); and
- vii. Exhibit G is the Order awarding fees and expenses to TouchTunes entered October 21, 2014 (Dkt. No. 311).

November 26, 2014

SCHIFF HARDIN LLP

*/s/ Ronald S. Safer*

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Ronald S. Safer

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*Attorneys for ARA Inc. (formerly Arachnid,  
Inc.)*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 26, 2014, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to the following:

James S. Blank  
Kaye Scholer LLP  
425 Park Avenue  
New York, NY 10022

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on November 26, 2014 upon the following individuals in the manner indicated:

**BY E-MAIL**

James S. Blank  
Kaye Scholer LLP  
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New York, NY 10022

**BY E-MAIL**

Joseph S. Presta  
Nixon & Vanderhye, P.C.  
901 N. Glebe Road  
Arlington, VA 22203

*/s/ Ronald S. Safer*

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Ronald S. Safer