

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JACK BARRON

Plaintiff,

v.

SCVNGR, INC. d/b/a LEVELUP

Defendant.

Civil Action No.: 13-40084-TSH

**DEFENDANT SCVNGR, INC. D/B/A LEVELUP'S NOTICE OF APPEAL TO THE
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given that SCVNGR, Inc. d/b/a LevelUp, ("LevelUp"), defendant in the above-captioned case, hereby appeals to the United States Court of Appeals for the Federal Circuit ("Federal Circuit"), pursuant to Rules 3(a) and 4(a) of the Federal Rules of Appellate Procedure and 28 U.S.C. § 1295(a)(1), from the final Order of the district court entered in this action on April 21, 2015 (Dkt. No. 61, attached hereto as Exhibit 1) denying LevelUp's Motion for Attorney Fees and Costs (Dkt. No. 35) and LevelUp's Motion for Discovery (Dkt. No. 38). The Order of the district court followed the final judgment of the Federal Circuit on all counts entered in favor of LevelUp on March 6, 2015 (Appeal No. 14-1708).

Respectfully Submitted,

Dated: April 23, 2015

/s/Brian C. Carroll
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Attorneys for SCVNGR, Inc. d/b/a LevelUp

CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing document filed through the ECF system this day will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: April 23, 2015

/s/Brian C. Carroll
Brian C. Carroll