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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

KOMBEA CORPORATION,
a Utah corporation,

Plaintiff,

v.

NOGUAR L.C.,
a Utah limited liability company,

Defendant.

Civil Action No. 2:13-cv-00957-TS

**NOGUAR L.C.'S NOTICE OF APPEAL
TO THE COURT OF APPEALS FOR THE
FEDERAL CIRCUIT**

Judge: Hon. Ted Stewart

Notice is hereby given that Noguar L.C. (“Noguar”), Defendant in the above captioned litigation, hereby appeals to the United States Court of Appeals for the Federal Circuit from the Court’s Order Re: Motion for Reconsideration of Plaintiff’s Motion for Partial Summary Judgment, entered in this action on June 30, 2015 (Docket No. 86.) and the Court’s Order granting Plaintiff’s Motion For Partial Summary Judgment of Invalidity, entered in this action on December 23, 2014. (Docket No. 49.)

On December 23, 2014, this Court granted Plaintiff KomBea Corporation’s (“KomBea”) Motion for Partial Summary Judgment of Invalidity of U.S. Patent No. 8,503,619 (“’619 Patent”), U.S. Patent No. 7,933,387 (“’387 Patent”), U.S. Patent No. 7,640,510 (“’510 Patent”), and U.S. Patent No. 8,438,494 (“’494 Patent”) (collectively referred to herein as “the Noguar Patents”). On April 21, 2015, Noguar filed a Motion for Reconsideration of the Court’s December 23, 2014 Order with regards to the ’619, ’387, and ’510 Patents. The Court denied the Motion for Reconsideration on June 30, 2015. On that same day, pursuant to a Stipulated Motion to Dismiss filed by the parties, the Court dismissed all other causes of action in the litigation, except for those relating to the invalidity and/or non-infringement of the Noguar Patents. (Docket No. 87.) Simultaneously, the Court submitted a Report to the Patent and Trademark Office stating that a final decision had been rendered in the above captioned case. (Docket No. 88.)

However, although the order dismissing the other causes of action was entitled “Order Dismissing Case with prejudice,” it did not cover the causes of action relating to the invalidity and/or non-infringement of the Noguar Patents. Moreover, to date, the Court has not issued a Final Judgment with regard to the causes of action relating to the Noguar Patents. Accordingly, even though it does not believe that the denial of the Motion for Reconsideration constitutes a final judgment, Noguar files this Notice of Appeal in an abundance of caution to ensure that it does not waive its right to appeal the Court’s ruling invalidating the Noguar Patents.

DATED: July 30, 2015

Respectfully submitted,

WASATCH-IP, A Professional Corporation

By: /s/ Charles L. Roberts

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