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Attorneys for Defendant and Counterclaimant NOVELL, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

TRANXITION, INC., a Delaware
corporation,

Plaintiff and counterdefendant,

v.

NOVELL, INC., a Delaware corporation,

Defendant and counterclaimant.

Case No. 3:12-cv-1404-HZ

**NOVELL, INC.'S NOTICE OF
CROSS APPEAL OF
INDEFINITENESS RULING**

Notice is hereby given that Novell, Inc., defendant and counterclaimant in the above-captioned action (“Action”), hereby cross appeals to the United States Court of Appeals for the Federal Circuit from the indefiniteness ruling appearing at pages 13–16 of this Court’s October 15, 2014 “Opinion & Order” (“Order,” ECF No. 92). Novell cross appeals *only* that portion of the Order.

This cross appeal is timely (1) under Rule 4(a)(1)(A) because the Court did not enter judgment in this Action until August 20, 2015, (*see* “Judgment,” ECF No. 146), and (2) under Rule 4(a)(3) because plaintiff and counterdefendant Tranxition, Inc. filed the first notice of appeal in this Action on August 28, 2015, (*see* “Notice of Appeal,” ECF No. 147).

September 9, 2015

Respectfully submitted,

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