

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

SMARTFLASH LLC, et al.,

Plaintiffs,

v.

APPLE INC., et al.,

Defendants.

Civil Action No. 6:13-cv-447-JRG-KNM

**NOTICE OF APPEAL**

Notice is hereby given that Defendant Apple Inc. appeals to the United States Court of Appeals for the Federal Circuit from the Judgment of this Court entered on September 2, 2015 (Dkt. 606), and from any and all other judgments, orders, opinions, rulings, and findings that merge therein or are pertinent or ancillary to the foregoing, including without limitation: the Magistrate Judge's Report and Recommendation on disputed claim terms (Dkt. 229), the Order adopting same (Dkt. 351), the Magistrate Judge's Memorandum Opinion and Order on claim construction (Dkt. 432), and the Order adopting same (Dkt. 481); the Magistrate Judge's Reports and Recommendations on motions for summary judgment regarding indefiniteness (Dkt. 229, 391), the Orders adopting same (Dkt. 351, 480), and the Memorandum Opinion and Order on Motion for Reconsideration (Dkt. 582); the Magistrate Judge's ruling on standing (Dkt. 455) and the District Court's Order adopting same (Dkt. 479); the Report and Recommendation on motions for summary judgment of invalidity pursuant to 35 U.S.C. § 101 (Dkt. 423), the Order adopting same (Dkt. 484), and the Order on Renewed Motion for Judgment as a Matter of Law on the Issue of § 101 (Dkt. 585); the Magistrate Judge's Report and Recommendation on

Motions for Summary Judgment of Invalidity Under 35 U.S.C. §§ 102, 103 (Dkt. 388), the District Court's Order adopting same (Dkt. 487), the Magistrate Judge's Report and recommendation Regarding Motion for Partial Summary Judgment of Non-Infringement (Dkt. 390), the District Court's Order adopting same (Dkt. 482), and the Memorandum Opinion and Order on Omnibus Rule 50(b) Renewed Motion for Judgment as a Matter of Law and/or Rule 59 Motion for New Trial (Dkt. 605); the Order on the Renewed Motion for Judgment as a Matter of Law on the Issue of Damages under Rule 50(b) and/or a New Trial under Rule 59(e) (Dkt. 581) and the Order on Motion for Reconsideration of the Order Granting a New Trial (Dkt. 608); the Memorandum Opinion and Order on Defendants' Motions to Exclude Dr. Jones's Opinion Testimony (Dkt. 379); the Order Regarding Motions in Limine (Dkt. 440); and the Court's Final Jury Instructions.

Payment of the required fee of \$505 is provided with this Notice of Appeal. This fee includes the \$500 fee for docketing a case on appeal as required by 28 U.S.C. § 1913 and Fed. Cir. R. 52(a)(2) and the \$5 fee for filing a notice of appeal as required by 28 U.S.C. § 1917.

Dated: October 2, 2015

By: /s/ Mark A. Perry

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*Attorneys for Defendant Apple Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 2, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system pursuant to the Local Rules, which will serve this upon all counsel who consented to electronic service.

*/s/ Mark A. Perry*

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Mark A. Perry