

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

TQP DEVELOPMENT, LLC,

Plaintiff,

v.

1-800-FLOWERS.COM, INC., et al.,

Defendants.

NO. 2:11-CV-248-JRG

NOTICE OF CONDITIONAL CROSS-APPEAL

Pursuant to Fed. R. App. P. 4(a), Defendant Newegg Inc. (“Newegg”) hereby provides notice that it conditionally cross-appeals to the U.S. Court of Appeals for the Federal Circuit this Court’s orders denying Newegg’s motions for judgment as a matter of law on the issues of invalidity and damages (Dkt. Nos. 464 and 469, respectively) and the district court’s non-public October 5, 2015 order denying Newegg’s motion for a new trial as moot, as well as all underlying decisions, orders, or rulings relating to those orders (including, but not limited to, Dkt. No. 382, denying Newegg’s *Daubert* motion to exclude TQP’s damages expert, and Dkt. Nos. 387 and 389, granting motions *in limine* concerning certain damages-related evidence).

Dated: December 3, 2015

Respectfully submitted,

THE WEBB LAW FIRM

/s/ Daniel H. Brean

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NO. 2:11-CV-248-JRG

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Counsel for Newegg Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd of December, 2015, I electronically filed the foregoing **NOTICE OF CONDITIONAL CROSS-APPEAL** with the Clerk of the Court and the same has been served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

THE WEBB LAW FIRM

/s/ Daniel H. Brean
Counsel for Newegg Inc.