

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

NEXLEARN, LLC)	
)	
Plaintiff,)	Civ. No. 6:15-cv-01294-EFM-KGG
)	
v.)	The Honorable Eric F. Melgren
)	
ALLEN INTERACTIONS, INC.)	Magistrate Judge Kenneth G. Gale
)	
Defendant.)	
)	
)	

ALLEN INTERACTIONS INC.’S NOTICE OF CROSS APPEAL

Notice is hereby given that defendant Allen Interactions, Inc. (“AI”) in the above-captioned case hereby files this conditional cross appeal to the United States Court of Appeals for the Federal Circuit (“Federal Circuit”) from the Memorandum and Order (D.E. 27) and Judgment in a Civil Case (D.E. 28).

If the Federal Circuit reverses, vacates or modifies the District Court’s Memorandum and Order (D.E. 27) and/or Judgment in a Civil Case (D.E. 28) in response to plaintiff-appellant’s appeal, AI requests by this cross appeal that the Federal Circuit dismiss: (1) Count I of Plaintiff’s Complaint (for breach of contract) with prejudice for failure to state a claim upon which relief can be granted and/or because the claim is barred under the applicable statute of limitations; and (2) Count II of Plaintiff’s Complaint (for Patent Infringement) with prejudice for failure to meet the requirements of 35 U.S.C. § 101. These issues were fully briefed by the parties in the District Court. However, the District Court did not reach these issues because it granted AI’s motion to dismiss on the alternate ground that the District Court did not have personal jurisdiction over AI.

Dated: June 14, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2016, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following:

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