

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

FLEXUSPINE, INC.

Plaintiff,

v.

GLOBUS MEDICAL, INC.,

Defendant,

Civil Action No. 6:15-cv-00201 (JRG-KNM)

JURY TRIAL DEMANDED

**GLOBUS MEDICAL INC.'S
NOTICE OF APPEAL**

Defendant Globus Medical, Inc. (“Globus”) respectfully submits this notice of appeal to the United States Court of Appeals for the Federal Circuit. Globus appeals from the district court’s October 3, 2016 Memorandum Opinion and Order (Doc. 258) denying Globus’s Rule 59(e) Motion to Amend Judgment (Doc. 251).

This notice of appeal is timely under Federal Rule of Appellate Procedure 4(a)(1)(A) because it is “filed with the district clerk within 30 days after entry of the judgment or order appealed from.” *See also* FRAP 4(a)(4)(A) (“If a party timely files in the district court any of the following motions under the Federal Rules of Civil Procedure, the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion: ... (iv) to alter or amend the judgment under Rule 59”).

As part of this notice of appeal, Globus submits the required filing fee of \$505 and respectfully requests the district clerk to prepare the record on appeal pursuant to Federal Rule of Appellate Procedure 10(a). Globus will order from the reporter a transcript of such part of the

proceedings not already on file as the appellant considers necessary, as required by Federal Rule of Appellate Procedure 10(b)(1)(A).

DATED: October 31, 2016

Respectfully submitted,

/s/ John P. Lahad

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CERTIFICATE OF SERVICE

I certify that on October 31, 2016, a copy of the foregoing document was served on the parties to this action via ECF.

/s/ John P. Lahad
John P. Lahad