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FINISAR CORPORATION

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

FINISAR CORPORATION, a Delaware
corporation,

Plaintiff,

v.

NISTICA INC., a Delaware corporation,

Defendant.

No. 5:13-cv-03345-BLF

**PLAINTIFF FINISAR CORPORATION'S
NOTICE OF APPEAL**

Notice is hereby given that Plaintiff Finisar Corporation (“Finisar”) in the above named case appeals to the United States Court of Appeals for the Federal Circuit from the final judgment entered June 27, 2016 (Dkt. No. 669) (the “Judgment”) and each and every part thereof; from the January 20, 2017 Order Regarding Post-Judgment Motions (Dkt. No. 715) (the “Order”) and each and every part thereof; and any and all other adverse rulings, whether oral or written, that are incorporated in, antecedent to, or ancillary to the Judgment and/or Order; and any and all adverse interlocutory orders, judgments, decrees, decisions, rulings, and opinions, whether oral or written, that merged into and became part of the Judgment and/or Order, that shaped the Judgment and/or Order, that are related to the Judgment and/or Order, and upon which the Judgment and/or Order are based.

A payment of \$505 representing the \$5 filing fee required by 28 U.S.C. § 1917 and the \$500 docketing fee required by Federal Circuit Rule 52(a)(3) is transmitted via this Court’s online payment system with this Notice of Appeal, pursuant to Federal Rule of Appellate Procedure 3(e) and Federal Circuit Rule 52(a)(2).

Dated: February 13, 2017

Respectfully Submitted,

/s/ David C. Radulescu

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CERTIFICATE OF SERVICE

I, David C. Radulescu, hereby declare:

I am employed in the City and County of New York, New York and am an attorney admitted *pro hac vice* in the above captioned action. I am over the age of eighteen years and not a party to the within action. My business address is Radulescu LLP, 350 Fifth Avenue, Suite 6910, New York, New York 10118.

On February 13, 2017, I caused the following documents, described as:

PLAINTIFF FINISAR CORPORATION'S NOTICE OF APPEAL

to be served via CM/ECF, upon all counsel of record registered to receive electronic filing, as indicated on the Court's website.

I declare under penalty of perjury that the above is true and correct. Executed on February 13, 2017, in New York, New York.

/s/ David C. Radulescu

David C. Radulescu