

Marie A. McCrary
(admitted *pro hac vice*)
GUTRIDE SAFIER LLP
100 Pine Street, Suite 1250
San Francisco, California 94111
Telephone: (415) 529-4995
Facsimile: (415) 449-6469
marie@gutridesafier.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ALHPACAP VENTURES LLC,

Plaintiff,

v.

GUST, INC.,

Defendant.

Civil Action No. 1:16-cv-01784-
DLC

GUST, INC.,

Plaintiff,

v.

ALHPACAP VENTURES LLC and
RICHARD JUAREZ,

Defendants.

Civil Action No. 1:15-cv-06192-
DLC

NOTICE OF APPEAL BY ALPHACAP VENTURES LLC

Notice is hereby given that AlphaCap Ventures LLC appeals to the United States Court of Appeals for the Federal Circuit from the final judgment entered on December 19, 2016 in the above-captioned cases, as well as from all orders merged into that judgment and post-judgment orders related thereto, including without limitation the following:

(i) the final judgment entered on December 19, 2016 (Dkt. # 112 in Civil Action No. 1:16-cv-01784 and Dkt # 95 in Civil Action No. 1:15-cv-06192),

(ii) the order entered on December 8, 2016, which granted in part Gust's motion for attorneys fees (Dkt. #108 in Civil Action No. 1:16-cv-01784 and Dkt. # 89 in Civil Action No. 1:15-cv-06192),

(iii) the order entered on July 28, 2016, which denied AlphaCap's motion for Rule 11 sanctions (Dkt. #97 in Civil Action No. 1:16-cv-01784 and Dkt. # 66 in Civil Action No. 1:15-cv-06192),

(iv) the order entered July 6, 2017, which denied AlphaCap's motion to reconsider, alter, amend and grant relief from the judgment (Dkt. # 126 in Civil Action 1:15-cv-06192 and Dkt. # 125 in Civil Action No. 1:16-cv-01784), and

(v) the order entered July 6, 2017, which denied AlphaCap's motion for attorneys' fees (Dkt. # 127 in Civil Action 1:15-cv-06192 and Dkt. # 126 in Civil Action No. 1:16-cv-01784)

Dated: August 4, 2017

Respectfully submitted,

/s/ Marie A. McCrary _____/
Marie McCrary (admitted *pro hac vice*)
Gutride Safier LLP
100 Pine Street, Suite 1250
San Francisco, California 94111
Telephone: (415) 529-4995
Facsimile: (415) 449-6469
marie@gutridesafier.com

Certificate of Service

The undersigned certifies that, on August 4, 2017, the foregoing document was served via email on all counsel of record and on the following:

Rick Juarez
AlpaCap Ventures LLC
rick.juarez@alphacapventures.com

Norbert Stahl, Esq.
Stahl Law Firm
nstahl@patentlawservice.com.

Dated: August 4, 2017

/s/ Marie A. McCrary /
Marie McCrary (admitted *pro hac vice*)
Gutride Safier LLP
100 Pine Street, Suite 1250
San Francisco, California 94111
Telephone: (415) 529-4995
Facsimile: (415) 449-6469
marie@gutridesafier.com