

1 JOSE L. PATIÑO, CA Bar No. 149568  
 jpatino@foley.com  
 2 NICOLA A. PISANO, CA Bar No. 151282  
 npisano@foley.com  
 3 CHRISTOPHER C. BOLTEN, CA Bar No. 268284  
 cbolten@foley.com  
 4 FOLEY & LARDNER LLP  
 3579 VALLEY CENTRE DRIVE, SUITE 300  
 5 SAN DIEGO, CA 92130  
 TELEPHONE: 858.847.6700  
 6 FACSIMILE: 858.792.6773

7 Attorneys for Defendants and Counter-Plaintiffs  
 HUAWEI TECHNOLOGIES CO., LTD.,  
 8 FUTUREWEI TECHNOLOGIES, INC.  
 and HUAWEI DEVICE USA, INC.  
 9

10 **UNITED STATES DISTRICT COURT**  
 11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 SPH AMERICA, LLC,  
 13 Plaintiff and Counter-Defendant,  
 14 v.

Case No. 3:13-cv-02323-CAB-KSC  
**NOTICE OF APPEAL**

15 HUAWEI TECHNOLOGIES, CO., LTD.,  
 16 FUTUREWEI TECHNOLOGIES, INC.,  
 HUAWEI DEVICE USA, INC.,  
 17 Defendants and Counter-Plaintiffs.  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

1 Notice is hereby given that Defendants and Counter-Plaintiffs Huawei  
2 Technologies, Co., Ltd., Futurewei Technologies, Inc., and Huawei Device USA, Inc. in  
3 the above-named case hereby appeal to the United States Court of Appeals for the  
4 Federal Circuit from the Order entered in this action on July 17, 2017 (Dkt. No. 328), and  
5 from all underlying decisions, orders and rulings intertwined with or that produced the  
6 Order.

7  
8 Dated: August 16, 2017

Respectfully submitted,

9 FOLEY & LARDNER LLP

10  
11 /s/ Jose L. Patiño

12 Jose L. Patiño (CA Bar No. 149568)

13 [jpatino@foley.com](mailto:jpatino@foley.com)

14 Nicola A. Pisano (CA Bar No. 151282)

15 [npisano@foley.com](mailto:npisano@foley.com)

16 Christopher C. Bolten (CA Bar No. 268284)

17 [cbolten@foley.com](mailto:cbolten@foley.com)

18 Scott A. Penner (CA Bar No. 253716)

19 [spenner@foley.com](mailto:spenner@foley.com)

20 Wendy W. Cheung (CA Bar No. 285802)

21 [wcheung@foley.com](mailto:wcheung@foley.com)

22 3579 Valley Centre Drive, Suite 300

23 San Diego, CA 92130-3302

24  
25 Attorneys for Defendants and Counter-Plaintiffs  
26 *Huawei Technologies, Co., Ltd., Futurewei*  
27 *Technologies, Inc., and Huawei Device USA,*  
28 *Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served to all counsel of record, who are deemed to have consented to electronic service via the court’s CM/ECF system per CivLR 5.4(d).

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on August 16, 2017.

/s/ Jose L. Patiño  
Jose L. Patiño

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28