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11 *Attorneys for Defendant,*
12 *PerDiemCo, LLC*

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION
16

17 TRIMBLE INC. AND INNOVATIVE
18 SOFTWARE ENGINEERING, LLC,

19 Plaintiffs,

20 v.

21 PERDIEMCO, LLC,
22

23 Defendant
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CASE NO. 4:19-cv-00526-JSW

**DEFENDANT’S NOTICE OF
CONDITIONAL CROSS-APPEAL**

1 Notice is hereby given that Defendant PerDiemCo, LLC conditionally cross-appeals to
2 the United States Court of Appeals for the Federal Circuit from the Order Resolving Defendant's
3 Motion to Transfer (Dkt. No. 39) entered on July 8, 2019, and aspects of the Judgment of this
4 Court entered on July 8, 2019 resolved adversely to Defendant, including without limitation, the
5 denial of Defendant's Motion to Transfer (Dkt. No. 40), and from all other judgments, orders,
6 opinions, rulings, and findings pertinent or ancillary to the foregoing.

7 This cross-appeal is contingent on the disposition of the dismissal appeal noticed by
8 Plaintiffs. Defendant requests that the Court of Appeals address the conditional cross appeal only
9 in the event that it does not affirm the judgment in Plaintiffs' appeal.

10 In accordance with Rule 4(a)(4) of the Federal Rules of Appellate Procedure, this Notice
11 of Conditional Cross-Appeal is being filed within 30 days from the entry of the Court's Order
12 and Judgment.

13 A copy of this Notice of Conditional Cross-Appeal is being filed with the Clerk of the
14 United States Court of Appeals for the Federal Circuit with payment of the appropriate fee; and
15 is being served on Plaintiffs Trimble Inc. and Innovative Software Engineering, LLC.

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Dated: August 6, 2019

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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By: /s/ Patrick J. Coyne

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