

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

IMPLICIT, LLC,

Plaintiff,

v.

SANDVINE CORPORATION,

Defendant.

Civil Action No. 2:18-cv-00054-JRG-RSP

JURY TRIAL DEMANDED

PLAINTIFF IMPLICIT, LLC'S NOTICE OF APPEAL

Notice is hereby given that Plaintiff Implicit, LLC in the above-captioned case hereby appeals to the United States Court of Appeals to the Federal Circuit.

Plaintiff appeals the Final Judgment (Dkt. 18), entered in this action on December 18, 2019, and all orders, rulings, findings, and/or conclusions of any kind whatsoever decided adversely to Implicit in this case (which includes any orders, rulings, findings, and/or conclusions of any kind whatsoever decided adversely to Implicit in the Lead Consolidated Case, *Implicit LLC v. NetScout Systems, Inc.*, Case No. 2:18-cv-53-JRG), including the Court's Claim Construction Memorandum and Order (Docket No. 111) and the Court's Order overruling Plaintiff's Objection to Magistrate Judge Payne's Claim Construction Memorandum and Order (Dkt. 120), both of which were entered in the Lead Consolidated Case, *Implicit LLC v. NetScout Systems, Inc.*, Case No. 2:18-cv-53-JRG.

As such, pursuant to Federal Rules of Appellate Procedure 3 and 4(a)(1)(A), Plaintiff appeals from the Final Judgment (Dkt. 18) to challenge all orders, rulings, findings, and/or conclusions of any kind whatsoever decided adversely to Implicit in this case number and the Lead Plaintiff's Notice of Appeal

Consolidated Case, including the Court's Claim Construction Memorandum and Order and Order overruling Plaintiff's objections, as reflected in the parties' stipulation that led to the entry of a judgment of noninfringement.

Included herewith is payment of the filing fee (\$5.00) and the docketing fee (\$500.00) as required by 28 U.S.C. § 1917, Federal Circuit Rule 52(a)(2), Federal Rule of Appellate Procedure 3(e), and the U.S. District Court for the Eastern District of Texas fee schedule.

Dated: January 15, 2020

Respectfully submitted,

By: /s/ Christian Hurt

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document is being filed electronically in compliance with Local Rule CV-5(a). As such, this document is being served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(V). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), any counsel of record not deemed to have consented to electronic service will be served with a true and correct copy of the foregoing by email on this 15th day of January, 2020.

/s/ Christian Hurt
Christian Hurt