

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

IMPLICIT, LLC,

Plaintiff,

v.

NETSCOUT SYSTEMS, INC.,

Defendant.

Civil Action No. 2:18-cv-00053-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. 225), entered in this action on December 13, 2019, and all orders, rulings, findings, and/or conclusions of any kind whatsoever decided adversely to Implicit in this case including but not limited to the Court's Claim Construction Memorandum and Order (Docket No. 111); the Court's Order overruling Plaintiff's Objection to Magistrate Judge Payne's Claim Construction Memorandum and Order (Dkt. 120); the Court's Order Denying Plaintiff's Motion for Judgment as a Matter of Law and Motion for New Trial (Dkt 270); and all other orders, rulings, and/or findings decided adversely to Implicit.

As such, pursuant to Federal Rules of Appellate Procedure 3 and 4(a)(1)(A), Plaintiff appeals from the Final Judgment (Dkt. 225) to challenge all orders, rulings, findings, and/or conclusions of any kind whatsoever decided adversely to Implicit, including the Court's Claim Construction Memorandum and Order; Order overruling Plaintiff's objections; the Court's Order

Denying Plaintiff's Motion for Judgment as a Matter of Law and Motion for New Trial; and all other orders, rulings, and/or findings decided adversely to Implicit, whether pretrial or during trial.

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: July 3, 2020

Respectfully submitted,

By: /s/ Christian Hurt

William E. Davis, III (TX Bar No. 24047416)
Christian J. Hurt (TX Bar No. 24059987)
Edward Chin (Of Counsel)
(TX Bar No. 50511688)
Debra Coleman (Of Counsel)
(TX Bar No. 24059595) **DAVIS FIRM, PC**
213 N. Fredonia Street, Suite 230
Longview, Texas 75601
Telephone: (903) 230-9090
Facsimile: (903) 230-9661
Bdavis/churt/echin/dcoleman@bdavisfirm.com

Counsel for Plaintiff Implicit, LLC

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 3rd day of July, 2020.

/s/ Christian Hurt
Christian Hurt