

1 **RUSS AUGUST & KABAT**  
 Marc A. Fenster, CA SBN 181067  
 2 mfenster@raklaw.com  
 Reza Mirzaie, CA SBN 246953  
 3 rmirzaie@raklaw.com  
 Philip X. Wang, CA SBN 262239  
 4 pwang@raklaw.com  
 Christian Conkle, CA SBN 306374  
 5 cconkle@raklaw.com  
 Minna Y. Chan CA SBN 305941  
 6 mchan@raklaw.com  
 James N. Pickens, CA SBN 307474  
 7 jpickens@raklaw.com  
 12424 Wilshire Boulevard, 12<sup>th</sup> Floor  
 8 Los Angeles, California 90025  
 Tele: 310/826-7474  
 9 Fax: 310/826-6991

10 *Attorneys for Plaintiff*  
 XR COMMUNICATIONS, LLC  
 11 dba VIVATO TECHNOLOGIES

12 **UNITED STATES DISTRICT COURT**  
 13 **NORTHERN DISTRICT OF CALIFORNIA**

14  
 15 XR COMMUNICATIONS, LLC, dba VIVATO  
 16 TECHNOLOGIES,

17 *Plaintiff,*

18 *v.*

19 RUCKUS WIRELESS, INC.,

20 *Defendant.*

Case No. 3:18-cv-01992-WHO (LEAD)

**NOTICE OF APPEAL**

21  
 22 XR COMMUNICATIONS, LLC, dba VIVATO  
 23 TECHNOLOGIES,

24 *Plaintiff,*

25 *v.*

26 ARRIS SOLUTIONS, INC.,

27 *Defendant.*

Case No. 3:18-cv-02736-WHO

RUSS, AUGUST & KABAT

RUSS, AUGUST & KABAT

1 XR Communications, LLC, dba Vivato Technologies, plaintiff in the above-captioned  
2 consolidated cases, hereby appeals to the United States Court of Appeals for the Federal Circuit  
3 from the Judgment issued on October 15, 2021, and entered as Dkt. No. 194 in Civil Action  
4 No. 3:18-cv-01992 (attached for convenience only as Exhibit A) and as Dkt. No. 49 in Civil  
5 Action No. 3:18-cv-02736 (attached for convenience only as Exhibit B), and from the  
6 Stipulation Of Final Judgment; And Order issued on October 15, 2021, and entered as Dkt.  
7 No. 193 in Civil Action No. 3:18-cv-01992 (attached for convenience only as Exhibit C) and  
8 as Dkt. No. 48 in Civil Action No. 3:18-cv-02736 (attached for convenience only as Exhibit  
9 D), along with any and all adverse judgments, orders, opinions, findings, holdings, rulings,  
10 conclusions, claim constructions, and determinations underlying, pertinent to, or ancillary to  
11 that Judgment or Stipulation Of Final Judgment; And Order or leading thereto or merged  
12 therein, whether in Civil Action No. 3:18-cv-01992 or Civil Action No. 3:18-cv-02736,  
13 including, but not limited to, the Claim Construction Order issued on September 1, 2021, and  
14 entered as Dkt. No. 191 in Civil Action No. 3:18-cv-01992 (attached for convenience only as  
15 Exhibit E).

16 This Notice of Appeal should be deemed filed in both Civil Action No. 3:18-cv-01992  
17 (lead) and Civil Action No. 3:18-cv-02736, however, to avoid any ambiguity given entry of  
18 the Judgment and the Stipulation Of Final Judgment; And Order separately in each  
19 consolidated case, this Notice of Appeal will be filed in identical form in both Civil Action  
20 No. 3:18-cv-01992 (lead) and Civil Action No. 3:18-cv-02736.

21 Included herewith is payment of \$505 (filing fee, \$5.00; docketing fee, \$500.00) as  
22 required by 28 U.S.C. §§ 1913, 1917, Federal Rule of Appellate Procedure 3(e), Federal  
23 Circuit Rule 52(a)(2), and the Court Fee Schedule for the United States District Court for the  
24 Northern District of California.

1 DATE: November 2, 2021

Respectfully submitted,

2 **RUSS AUGUST & KABAT**

3  
4 By: /s/ Reza Mirzaie

5 Reza Mirzaie

6 rmirzaie@raklaw.com

Marc A. Fenster

7 mfenster@raklaw.com

8 Philip X. Wang

9 pwang@raklaw.com

Christian Conkle

10 cconkle@raklaw.com

11 Minna Y. Chan

mchan@raklaw.com

12 James Pickens

13 jpickens@raklaw.com

14 RUSS AUGUST & KABAT

15 12424 Wilshire Boulevard, 12<sup>th</sup> Floor

16 Los Angeles, California 90025

17 Tele: (310) 826-7474

18 Fax: (310) 826-6991

19 *Attorneys for Plaintiff*

20 XR COMMUNICATIONS, LLC,

21 dba VIVATO TECHNOLOGIES

RUSS, AUGUST & KABAT

22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served on November 2, 2021 with a copy of this document via the Court’s ECF system.

/s/ Reza Mirzaie  
Reza Mirzaie

RUSS, AUGUST & KABAT

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