

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DRAGON INTELLECTUAL PROPERTY,	)	
LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 13-2067 (RGA)
	)	
SIRIUS XM RADIO INC.,	)	
	)	
Defendant.	)	

**SIRIUS XM RADIO INC.’S NOTICE OF APPEAL**

NOTICE IS GIVEN that, pursuant to Federal Rule of Appellate Procedure 4(a), including without limitation Rule 4(a)(1)-(4), Defendant Sirius XM Radio Inc. (“Sirius XM”) appeals to the United States Court of Appeals for the Federal Circuit from the Order Awarding Attorneys’ Fees and Expenses (Dkt. 250) entered in this action on March 7, 2022, and from any and all orders, rulings, findings, and conclusions underlying and related to that Order, including but not limited the Report and Recommendation (Dkt. 223) entered on August 16, 2021, and the Order Adopting the Report and Recommendation (Dkt. 232) entered on November 8, 2021 (collectively, the “Orders”). The Orders ultimately determined that this case was exceptional under 35 U.S.C. § 285 and awarded Sirius XM’s request for attorneys’ fees and expenses in the amount of \$1,862,415.53. The Orders however denied-in-part Sirius XM’s Motion to Declare the Case Exceptional Pursuant to 35 U.S.C. § 285 (Dkt. 204), specifically in denying (1) Sirius XM’s request to seek attorneys’ fees incurred solely during *inter partes* review proceedings, and (2) Sirius XM’s request to seek attorneys’ fees from Plaintiff, Dragon Intellectual Property, LLC’s, former attorneys of record during the exceptionality that occurred in this case, Robert Freitas and the Freitas & Weinberg

LLP law firm. *See* Dkt. 232. Therefore, Sirius XM appeals the portion of the Orders denying Sirius XM that relief.

OF COUNSEL:

Mark A. Baghdassarian  
Shannon H. Hedvat  
Kramer Levin Naftalis & Frankel LLP  
1177 Avenue of the Americas  
New York, NY 10036  
(212) 715-9100

POTTER ANDERSON & CORROON LLP

By: /s/ Philip A. Rovner  
Philip A. Rovner (#3125)  
Jonathan A. Choa (#5319)  
Hercules Plaza  
P.O. Box 951  
Wilmington, DE 19899  
(302) 984-6000  
provner@potteranderson.com  
jchoa@potteranderson.com

Dated: April 6, 2022  
10098714

*Attorneys for Defendant Sirius XM Radio Inc.*