

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

PAICE LLC,

Plaintiff and Counter-
Defendant

v.

**TOYOTA MOTOR CORP., TOYOTA
MOTOR NORTH AMERICA, INC., and
TOYOTA MOTOR SALES, U.S.A., INC.,**

Defendants and Counter-
Plaintiffs.

NOTICE OF APPEAL

No. 2-04CV-00211-DF
Judge David Folsom

TOYOTA'S NOTICE OF APPEAL

Pursuant to Fed. R. App. P. 3 and 28 U.S.C. §1295, notice is hereby given that Defendants Toyota Motor Corp., Toyota Motor North America, Inc. and Toyota Motor Sales, USA, Inc. hereby appeal to the United States Court of Appeals for the Federal Circuit from the District Court's Amended Final Judgment entered in this action on April 17, 2009, its Opinion and Order regarding the ongoing royalty rate entered contemporaneously therewith, and all orders, decisions, rulings, findings, and/or conclusions entered in this action that support or relate to the Court's April 17, 2009 Order.

The fees associated with the filing of the notice and docketing of the appeal are being submitted to the Court through the ECF system on this date.

Dated: May 15, 2009

Respectfully submitted,

/s/ Kurt Truelove

Nicholas H. Patton, Esq.
Texas Bar No. 15631000
J. Kurt Truelove, Esq.
Texas Bar No. 24013653
Patton, Tidwell & Schroeder, L.L.P.
4605 Texas Blvd.
P.O. Box 5398
Texarkana, Texas 75503
Phone: (903) 792-7080
Fax: (903) 792-8233

George E. Badenoch, Esq.
John Flock, Esq.
Jeffrey S. Gerchick, Esq.
Sheila Mortazavi, Esq.
Thomas R. Makin, Esq.
Kenyon & Kenyon
One Broadway
New York, New York 10004
Phone: (212) 425-7200
Fax: (212) 425-5388

Attorneys for Defendants,
Toyota Motor Corporation,
Toyota Motor North America, Inc., and
Toyota Motor Sales, Inc.

CERTIFICATE OF SERVICE

I certify that on May 15, 2009, a true and correct copy of the foregoing was served upon counsel listed below by ECF.

Samuel Franklin Baxter	<u>sbaxter@mckoolsmith.com</u>
Ruffin B. Cordell	<u>cordell@fr.com</u>
Ahmed J. Davis	<u>adavis@fr.com</u>

/s/ Kurt Truelove
Kurt Truelove
