

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

VERIZON SERVICES CORP., VERIZON
COMMUNICATIONS INC., MCI
COMMUNICATIONS CORP., and VERIZON
BUSINESS GLOBAL LLC,

Plaintiffs,

v.

COX FIBERNET VIRGINIA, INC., COX
VIRGINIA TELECOM, INC., COX
COMMUNICATIONS HAMPTON ROADS, LLC,
COXCOM, INC., and COX COMMUNICATIONS,
INC.,

Defendants.

Case No. 1:08-cv-157 CMH-TRJ

NOTICE OF APPEAL

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiffs Verizon Services Corp., Verizon Communications Inc., MCI Communications Corp., and Verizon Business Global LLC (collectively, “Verizon” or “Plaintiffs”), by their attorneys, hereby appeal to the United States Court of Appeals for the Federal Circuit from the Judgment in a Civil Case entered October 6, 2008 (Dkt. No. 312), issued by the United States District Court for the Eastern District of Virginia (Claude M. Hilton, S.J.) in Civil Action No. 1:08-cv-157 CMH-TRJ, as amended by the Agreed Order Amending and Clarifying the Judgment entered on November 7, 2008 (Dkt. No. 332), and all prior rulings and decisions in the case, including but not limited to the Claim Construction of the Patents-in-Suit (Dkt. No. 195), the Ruling granting in part and denying in part Plaintiffs’ Motion for Partial Summary Judgment (Dkt. No. 207), the Ruling granting in part and denying in part Verizon’s Omnibus Motion in Limine (Dkt. No. 229), and the Ruling granting Defendants’ Emergency Motion for Reconsideration (Dkt. No. 246).

Prior to the entry of judgment, Verizon filed a Motion for Judgment as a Matter of Law, which was denied on September 29, 2008 (Dkt. No. 302). Subsequent to the entry of judgment, Verizon filed a Renewed Motion for Judgment as a Matter of Law, Motion for a New Trial, and Motion for Correction of the Judgment. On November 7, 2008, the judgment was corrected by stipulation of the parties (Dkt. No. 332), and the remainder of the Motion was denied (Dkt. No. 331). Insofar as Verizon's motions were denied, the denials are among the orders hereby appealed. The judgment, as modified by the Agreed Order Amending and Clarifying the Judgment, is appealable as a final judgment, and this appeal is timely pursuant to Federal Rule of Appellate Procedure 4(a)(4)(A).

Dated: November 13, 2008

Respectfully submitted,

By: _____ /s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2008, I served true and correct copies of the foregoing document to the parties listed below by electronic mail:

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