

HONORABLE JAMES L. ROBERT

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIGEO, INC., a Delaware corporation,

Plaintiff,

v.

AUDIBLE, INC., a Delaware corporation,

Defendant.

Civil Action No. C05-00464JLR

NOTICE OF APPEAL

CLERK'S ACTION REQUIRED

Notice is hereby given that Defendant-Appellant Audible, Inc. ("Audible") in the above named case hereby appeals to the United States Court of Appeals for the Federal Circuit from this Court's denial and termination of Audible's claim for attorney fees under 35 U.S.C. § 285 as expressed in this Court's Order entered on August 25, 2006 (Dkt. No. 79), Order entered on December 1, 2006 (Dkt. No. 98), Judgment entered on December 1, 2006 (Dkt. No. 99), and Amended Order entered on December 20, 2006 (Dkt. No. 104) (which Amended Order grants Audible's reconsideration motion and amends the December 1, 2006 Order and Judgment).

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NOTICE OF APPEAL - 1
CIVIL NO. 05-464 JLR

DLA Piper US LLP
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1 DATED this 2nd day of January, 2007.

2 **DLA PIPER US LLP**

3 s/Stellman Keehnel

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CERTIFICATE OF SERVICE

I, Stelman Keehnel, certify that on this 2nd day of January 2007, I caused to be served copies of the attached document to the following parties as indicated below:

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I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Seattle, Washington this 2nd day of January 2007.

s/ Stelman Keehnel _____

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