

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CERNER CORPORATION,

Plaintiff,

v.

VISICU, INC.,

Defendant and Counterclaimant.

Case No. 04-1033-CV-W-GAF

NOTICE OF APPEAL

Pursuant to Federal Rule of Appellate Procedure 3, notice is hereby given that Defendant and Counterclaimant Visicu, Inc. (“Visicu”) appeals to the United States Court of Appeals for the Federal Circuit from the judgment (Dkt. Nos. 657, 664) in the above-captioned matter,¹ including, *inter alia*, the following orders of the United States District Court for the Western District of Missouri:

- Dkt. No. 654 (Order), denying Visicu’s Motion for the New Trial Pursuant to Fed. R. Civ. P. 59(a) (Dkt. No. 637).
- Dkt. N. 653 (Order), denying Visicu’s Motion for Judgment as a Matter of Law on the Issue of Obviousness (Dkt. No. 635).

¹ On January 4, 2011, the Court entered Judgment in this case. (Dkt. No. 657). On January 10, 2011, Visicu moved to amend this judgment, as it was incomplete in that it did not adjudicate Visicu’s trade secret claim. (Dkt. No. 658). In response, Cerner likewise noted the need to alter Dkt. No. 657 to include adjudication of the trade secret claim (Dkt. Nos. 660 & 661). On February 3, 2011, the Court denied Visicu’s trade secret claims (Dkt. No. 663), and the clerk entered judgment with regard to this claim (Dkt. No. 664).

- Dkt. No. 655 (Order), denying Visicu's Motion for Judgment as a Matter of Law on the Issue of Infringement (Dkt. No. 639).
- Dkt. No. 594 (Order), denying Visicu's Motion for a Temporary Injunction (Dkt. No. 579).
- Dkt. No. 663 (Order), denying Visicu's Sixth Counterclaim alleging misappropriation of trade secrets.

The parties to the judgment and orders appealed from and the names and addresses of their respective attorneys are as follows:

Visicu, Inc.:

John S. Skilton, Esq.
PERKINS COIE LLP
One East Main Street, Suite 201
Madison, WI 53703-5118

Colin G. Sandercock, Esq.
PERKINS COIE LLP
607 Fourteenth Street N.W.
Washington, DC 20005-2003

Gerald M. Kraai , Esq.
LATHROP & GAGE LLP
10851 Mastin Blvd.
Building 82, Suite 1000
Overland Park, KS 66210

Cerner Corporation:

B. Trent Webb, Esq.
Bart A. Starr, Esq.
SHOOK, HARDY, AND BACON L.L.P.
255 Grand Boulevard
Kansas City Missouri 64108-2613

Dated: February 3, 2011

Respectfully submitted,

/s/ David E. Jones

John S. Skilton (*Pro Hac Vice*)
David E. Jones (*Pro Hac Vice*)
David L. Anstaett (*Pro Hac Vice*)
Lissa R. Koop (*Pro Hac Vice*)
Autumn N. Nero (*Pro Hac Vice*)
PERKINS COIE LLP
One East Main Street, Suite 201
Madison, WI 53703-5118
Tel: (608) 663-7460
Fax: (608) 663-7499

Colin G. Sandercock (*Pro Hac Vice*)
Todd R. Samelman (*Pro Hac Vice*)
Steven W. Allis (*Pro Hac Vice*)
PERKINS COIE LLP
607 Fourteenth Street N.W.
Washington, DC 20005-2003
Tel: (202) 628-6600
Fax: (202) 434-1690

Gerald M. Kraai
Mo. Bar No. 31265
Lathrop & Gage LLP
10851 Mastin Blvd.
Building 82, Suite 1000
Overland Park, KS 66210
Tel: (913) 451-5100
Fax: (913) 451-0875

Attorneys for Visicu, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of February, 2011, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Bart A. Starr: BStarr@shb.com

B. Trent Webb: BWebb@shb.com

Jason Mudd: JMudd@shb.com

Holly L. Teeter: HTeeter@shb.com

/s/ David E. Jones
David E. Jones