

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

TOBI GELLMAN, AS TRUSTEE OF THE
MAYER MICHAEL LEBOWITZ TRUST

Plaintiff,

V.

ADT SECURITY SERVICES, INC., NAPCO
SECURITY SYSTEMS, INC., VISONIC
INC., AND TELULAR
CORPORATION.

Defendants.

CASE NO. 2:07-CV-00282-TJW

JURY TRIAL DEMANDED

NOTICE OF APPEAL

Notice is hereby given that Tobi Gellman, as Trustee of the Mayer Michael Lebowitz Trust, Plaintiff in the above named case, hereby appeals to the United States Court of Appeals for the Federal Circuit from the Memorandum Opinion and Order dismissing Plaintiff's complaint without prejudice for lack of standing entered in this action by Magistrate Judge Charles Everingham IV on December 14, 2010 (Docket Entry No. 194, attached as Exhibit A), and Order of Dismissal entered by Magistrate Judge Charles Everingham IV on December 14, 2010 (Docket Entry No. 195, attached as Exhibit B) dismissing all claims, counterclaims, and defenses without prejudice. Because a final order of dismissal has been entered, this case is ripe for Appeal.

Respectfully submitted,

Dated: January 13, 2011

/s/ Edward W. Goldstein
Edward W. Goldstein
Corby R. Vowell
GOLDSTEIN & VOWELL, L.L.P.
1177 West Loop South, Suite 400
Houston, Texas 77027
(713) 877-1515 – Telephone
(713) 877-1145 – Facsimile
egoldstein@gviplaw.com
cvowell@gviplaw.com

Melissa R. Smith
Gillam & Smith, LLP
303 South Washington Avenue
Marshall, TX 75670
Tel: 903-934-8450
Fax: 903-934-9257
Melissa@gillamsmithlaw.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of the filing to counsel of record.

/s/ Edward W. Goldstein