

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

PURECHOICE, INC.)	
)	
Plaintiff,)	
)	Case No. 2:06-cv-244
vs.)	
)	Judge T. John Ward
HONEYWELL INTERNATIONAL INC.)	
)	
Defendant.)	
)	

**PURECHOICE, INC.’S NOTICE OF APPEAL TO THE
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given that PureChoice, Inc., plaintiff in the above-captioned case, hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Judgment entered in this action on March 14, 2008. The Court’s Final Judgment, based on its January 22, 2008, Memorandum Opinion and Order and its March 13, 2008, Memorandum Opinion and Order, held invalid Claims 1-3, 5-7, 10-13, 15-34, 36-46, 48-59, 61-64, 66-72, and 74-75 of U.S. Patent No. RE38,985. PureChoice further appeals the Court’s construction of the term “air quality” and its conclusion that the claim limitations: (i) “sensor for measuring environmental air quality data”/”air quality sensor for measuring environmental data” and (ii) “air quality sensor adapted to measure non-weather data” were incapable of being construed, all as set forth in the January 22, 2008 and March 13, 2008, Memorandum Opinions and Orders.

Included herewith is payment of the filing fee (\$5.00) and the docketing fee (\$450.00) as required by 28 U.S.C. § 1917, Federal Circuit Rule 52(a)(3)(A), and Rule 3(e) of the Federal Rules of Appellate Procedure.

Dated: April 10, 2008

Respectfully submitted,

/s/ Deborah Race

Otis W. Carroll

Texas Bar No. 03895700

Deborah Race

Texas Bar No. 16448700

IRELAND, CARROLL & KELLEY, P.C.

6101 South Broadway

Suite 500

Tyler, Texas 75703

Tel: (903) 561-1600

Fax: (903) 581-1070

E-mail: Fedserv@icklawn.com

Bradford P. Lyerla, Attorney in Charge

E-mail: blyerla@marshallip.com

Kevin D. Hogg

E-mail: khogg@marshallip.com

Thomas L. Duston

E-mail: tduston@marshallip.com

Robert L. Gerstein

E-mail: rgerstein@marshallip.com

Margaret L. Begalle

E-mail: mbegalle@marshallip.com

Benjamin T. Horton

E-mail: bhorton@marshallip.com

MARSHALL, GERSTEIN & BORUN LLP

6300 Sears Tower

233 South Wacker Drive

Chicago, IL 60606-6357

(312) 474-6300

Attorneys for Plaintiff

PURECHOICE, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3) on this 10th day of April, 2008. Any other counsel of record will be served by first class mail.

/s/ Deborah Race