

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

<div>NEUTRAL TANDEM, INC.,</div> <div>Plaintiff,</div> <div>v.</div> <div>PEERLESS NETWORK, LLC, PEERLESS NETWORK of ILLINOIS, LLC, and JOHN BARNICLE,</div> <div>Defendants.</div>	<div>No. 08-CV-3402</div> <div>Judge John W. Darrah</div> <div>Magistrate Judge Maria Valdez</div>
<div>PEERLESS NETWORK, LLC, PEERLESS NETWORK of ILLINOIS, LLC, and JOHN BARNICLE,</div> <div>Counterclaim Plaintiffs,</div> <div>v.</div> <div>NEUTRAL TANDEM, INC.</div> <div>Counterclaim Defendant.</div>	

**AMENDED NOTICE OF APPEAL**

Notice is hereby given that Peerless Network, Inc., Peerless Network of Illinois, LLC (cumulatively “Peerless”), and John Barnicle (“Barnicle”), Defendants and Counterclaim Plaintiffs in the above named case, hereby appeals to the United States Court of Appeals for the Federal Circuit from the final judgment entered in this action on December 17, 2010 with respect to Count III of Peerless’ counterclaim, adjudging partial summary judgment in favor of plaintiff/counterclaim defendant Neutral Tandem, Inc. as stated in the District Court’s Memorandum Opinion and Order of December 2, 2010; the claim construction ruling in the District Court’s Memorandum Opinion and Order of February 8, 2010; and from any and all

prior orders and rulings pertinent or ancillary to the Court's final judgment, including but not limited to the District Court's Memorandum Opinions and Orders of February 8, 2010 and December 2, 2010.

Payment in the amount of \$455.00, inclusive of the fee for the Notice of Appeal in the U.S. District Court for the Northern District of Illinois and the docket fee for the U.S. Court of Appeals for the Federal Circuit, is being made on the same day as this notice.

Dated: January 13, 2011

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*Attorneys for Peerless Network, Inc., Peerless  
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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby deposes and states that he caused the foregoing **Amended Notice of Appeal**, to be electronically filed with the Clerk of the Court on January 13, 2011, and served on all parties via the ECF system, pursuant to LR 5.9, as to Filing Users identified below. In addition, the above documents were also served on January 13, 2011, on the following persons via electronic mail:

John R. Harrington Kristopher Kiel Jenner & Block LLP 353 North Clark Chicago, IL 60611	Daniel Schwartz Seyfarth Shaw 131 South Dearborn Street Suit 2400 Chicago, IL 60603-5577
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/s/Henry T. Kelly  
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