UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

JACK BROWN,	§	
	§	
Plaintiff	§	
	§	
v.	§	Civil Action No. 08-372
	§	
BAYLOR HEALTH CARE SYSTEM,	§	
CHILDREN'S MEDICAL CENTER OF	§	
DALLAS, HARRIS METHODIST	§	NOTICE OF APPEAL
H-E-B, IASIS HEALTHCARE L.L.C.,	§	
MEMORIAL HERMANN	§	
HEALTHCARE SYSTEM, and ST.	§	
LUKE'S EPISCOPAL HEALTH	§	
SYSTEM,	§	
	§	
Defendants	§	
	§	

NOTICE OF APPEAL

Notice is hereby given that Jack Brown, Plaintiff, in the above named case, hereby appeals to the **United States Court of Appeals for the Federal Circuit** from the Judgment Under Rule 54(b) of the Federal Rules of Civil Procedure entered in this action by Judge Lee H. Rosenthal on July 20, 2009. (Docket No. 163, attached as Exhibit A). Such judgment finds the sole claim of United States Patent 4,857,713 ("the '713 patent") "invalid for indefiniteness under 35 U.S.C. § 112 ¶ 2." (Docket No. 163, also attached as Exhibit A). This Court's finding of invalidity with respect to the '713 patent is thus ripe for appeal.

Respectfully submitted,

Date: August 19, 2009 /s/ Edward W. Goldstein

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this pleading was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed.R.Civ.P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by certified mail, return receipt requested, on August 19, 2009.

/s/ Edward W. Goldstein

Edward W. Goldstein