

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

AMERANTH, INC.,	§	
	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 2:07-CV-271-CE
	§	
MENUSOFT SYSTEMS CORPORATION	§	
and CASH REGISTER SALES & SERVICE	§	
OF HOUSTON, INC. (dba CRS TEXAS)	§	
	§	
Defendants.	§	

**PLAINTIFF AMERANTH'S NOTICE OF APPEAL TO THE
COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given that Plaintiff, Ameranth, Inc., hereby appeals to the United States Court of Appeals for the Federal Circuit from the Judgment entered September 21, 2010 (Doc. No. 265) regarding Plaintiff's claims and Defendants' counterclaims in this action, including any and all judgments, verdicts, decrees, decisions, rulings, orders and opinions that merged into and became part of that judgment, that shaped that judgment, that are related to that judgment, and/or upon which that judgment is based, including without limitation:

- The Memorandum Opinion and Order dated May 26, 2011 (Doc. No. 313)
- The Order dated May 26, 2011 (Doc. No. 314)
- All evidentiary decisions and rulings of the Court
- All jury instruction decisions and rulings of the Court
- All verdict form decisions and rulings of the Court
- All motion *in limine* decisions and rulings of the Court

The statutory fees of \$455 for the appeal accompanies this Notice.

Respectfully submitted,

This 23rd day of June, 2011

By: /s/ Michael C. Smith
Michael C. Smith
State Bar Number 18650410
Email: michaelsmith@siebman.com
Siebman, Burg, Phillips & Smith, L.L.P.
113 East Austin Street
Marshall, TX 75671
(903) 938-8900 – Telephone
(972) 767-4620 – Facsimile

John W. Osborne
josborne@lockelord.com
Peter N. Fill
pfill@lockelord.com
James W. Gould
jgould@lockelord.com
Steven M. Purdy
spurdy@lockelord.com
Peter H. Noh

pnoh@lockelord.com
Locke Lord Bissell & Liddell LLP
3 World Financial Center
New York, NY 10281-2101
(212) 415-8600 – Telephone
(212) 303-2754 – Telecopier

Attorneys for Plaintiff Ameranth, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 23rd day of June, 2011. Any other counsel of record will be served by facsimile transmission and/or first class mail.

/s/ Michael C. Smith

Michael C. Smith