

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

AFFINITY LABS OF TEXAS, LLC	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 08-164-RC
	)	
BMW NORTH AMERICA, LLC, <i>et al.</i> ,	)	
	)	JURY TRIAL DEMANDED
Defendants.	)	

**PLAINTIFF AFFINITY LABS OF TEXAS, LLC’S NOTICE OF CROSS-APPEAL**

Plaintiff Affinity Labs of Texas, LLC, hereby gives notice pursuant to Fed. R. App. P. 3 and 28 U.S.C. Section 1295 of its appeal to the United States Court of Appeals for the Federal Circuit from the following Orders of the District Court:

- The District Court’s Final Judgment (Docket No. 554) entered in this Action on April 12, 2011, to the extent it does not grant the relief sought by Affinity with respect to Hyundai-Kia regarding damages and/or a new trial for Hyundai-Kia automobiles sold without cables (see D.I. 532) and does not grant the relief with respect to Volkswagen sought by Affinity’s Motion For Clarification or New Trial with Respect to Damages Against Volkswagen (see D.I. 531).
- The District Court’s Order Denying Affinity’s Request For Award of Past Damages For Sales of Accused Hyundai/Kia Cars For Which There Was No Corresponding Sales of a Hyundai/Kia iPod cable (D.I. 548) and Order Summarizing Court’s Rulings on Parties’ Post-Trial Motions (Docket No. 551) denying Affinity’s Motion to Clarify Damages Verdict or in the Alternative for New Trial on Damages as to Hyundai-Kia (at D.I. 532) and denying Affinity’s Motion for Clarification or New Trial With Respect to Damages Against Volkswagen) (at D.I. 531); and
- All other orders, decisions, rulings, findings, and conclusions made in this action that support or relate to the District Court’s Final Judgment to the extent that the Final Judgment does not provide the above-referenced relief sought by Affinity.

The fees associated with the filing of this notice and docketing of the appeal are being submitted to the Court through the ECF system on this date.

Respectfully submitted, this 6th day of May, 2011.

By: /s/ Thomas W. Sankey

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ATTORNEYS FOR PLAINTIFF  
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**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 foregoing document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on May 6, 2011. Any other counsel of record will be served by first class mail.

/s/ Thomas W. Sankey

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