

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**OUTSIDE THE BOX INNOVATIONS, LLC,
d/b/a UNION RICH USA**

Plaintiffs/Counter-Defendants,

v.

**TRAVEL CADDY, INC., and
ROOSTER PRODUCTS
d/b/a THE ROOSTER GROUP**

Defendants.

Civil Action No.

1:05-cv-2482-ODE

Judge Orinda D. Evans

AMENDED

NOTICE OF APPEAL

TRAVEL CADDY, INC.,

Counter-Plaintiffs/Counter-Defendants,

v.

**OUTSIDE THE BOX INNOVATIONS, LLC,
d/b/a UNION RICH USA, et al.**

Counter-Defendants,

Notice is hereby given that Travel Caddy, Inc. hereby amends its notice of appeal to the United States Court of Appeals for the Federal Circuit in Washington, D.C. On January 16, 2009, Travel Caddy filed a notice of appeal from the following orders and judgments entered in this action on or about the following stated dates:

- the Order of the District Court of December 19, 2008 (District Court Document No. 488),
- the Judgment of December 19, 2008 issuing on the The Order (District Court Document No. 489),
- the underlying Claim Construction Order of the District Court of September 18, 2006 (District Court Document No. 261),
- the underlying Travel-Caddy-adverse rulings of the Minute Entry of the District Court of December 14, 2006 (District Court Document No. 327),
- the underlying Order of the District Court of October 10, 2007 (District Court Document No. 428),
- the Order of the District Court of August 7, 2008 (District Court Document No. 412),

- the underlying Travel-Caddy-adverse evidentiary decisions of the District Court on February 4 and 5, 2008, including but not limited to the ruling permitting Union Rich lawyer argument on obviousness and the ruling excluding the testimony of Travel Caddy witness Mr. Korchmar (District Court Document Nos. 474 and 475; Union Rich lawyer argument inclusion at No. 474, at 130-142; Korchmar exclusion at No. 475, at 328), and
- all other underlying, associated, incorporated, referenced, and/or material orders, rulings, decisions and judgments of the District Court.

See Notice of Appeal (District Court Document No. 496) (filed Jan. 16, 2009).

Travel Caddy filed its notice of appeal during the pendency of at least one motion specified in Federal Rule of Appellate Procedure 4(a)(4)(A)(4). Pursuant to Federal Rule of Appellate Procedure 4(a)(4)(B)(i), Travel Caddy's notice of appeal became effective when the District Court filed its Order of August 3, 2009 disposing of this and other pending motions. *See* Order filed August 3, 2009 (District Court Document No. 527).

Pursuant to Federal Rule of Appellate Procedure 4(a)(4)(B)(ii), Travel Caddy hereby amends its notice of appeal to include the Court's Order entered

August 3, 2009. (District Court Document No. 527). This amended notice of appeal is being submitted within 30 days of entry of the Court's Order disposing of the motions listed in Rule 4(a)(4)(A).

Respectfully submitted,

Dated: September 2, 2009

/s/ G. Melton Mobley
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Attorney for Defendants and
Counter-Plaintiff

CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1D, the undersigned counsel hereby certifies that the foregoing **TRAVEL CADDY'S AMENDED NOTICE OF APPEAL** complies with the font and point selections approved by the Court in LR 5.1B. The foregoing memorandum was prepared on a computer using the Times New Roman font (14 point).

/s/ G. Melton Mobley
State Bar No. 514625
Attorney for Defendants and
Counter-Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **TRAVEL CADDY'S AMENDED NOTICE OF APPEAL** was filed electronically via CM/ECF in the United States District Court for the Northern District of Georgia, with notice of same being electronically served by the Court, on the following attorneys of record:

Joel D. Myers
Ashish D. Patel
Jon O. Nelson
Marc S. Cooperman
Scott A. Burow
Aimee B. Kolz
Clark H. McGehee
William C. Lanham

Respectfully submitted this 2nd day of September, 2009.

/s/ G. Melton Mobley
State Bar No. 514625
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