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FILED

OCT - 4 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Attorneys for Defendant and Counterclaimant, GUIDETECH, LLC

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BRILLIANT INSTRUMENTS, INC.,

Case No. C09-05517 (CW)

Plaintiff and Counterdefendant,

v.

**DEFENDANT AND COUNTERCLAIMANT
GUIDETECH, LLC'S NOTICE OF APPEAL**

GUIDETECH, INC.

Defendant and Counterclaimant.

Notice is hereby given that Defendant and Counterclaimant GuideTech, LLC, in the above-named case hereby appeals to the United States Court of Appeals for the Federal Circuit from the district court's Order on Claim Construction, Granting Brilliant's Motion for Summary Judgment of Non-Infringement and Denying as Moot GuideTech's Motion for Summary Adjudication on the Issue of Assignor Estoppel, entered August 11, 2011 (D.I. 137), and Judgment, entered September 6, 2011 (D.I. 142). Copies of said order and judgment are attached hereto.

1 Dated: October 4, 2011

Respectfully submitted,

2 KILPATRICK TOWNSEND & STOCKTON LLP

3 By: *Byron Chin*
4 THEODORE T. HERHOLD
BYRON R. CHIN

5 Attorneys for Defendant and Counterclaimant
6 GUIDETECH, LLC
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PROOF OF SERVICE

I hereby declare that I am a citizen of the United States, and I am employed in the County of San Francisco, California. I am over the age of eighteen years and not a party to the within action. My business address is Kilpatrick Townsend and Stockton LLP, Two Embarcadero Center, 8th Floor, San Francisco, CA 94111.

On October 4, 2011, I served the following document entitled: **DEFENDANT AND COUNTERCLAIMANT GUIDETECH, LLC'S NOTICE OF APPEAL** on the attorneys of record in this action by courtesy email as follows:

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Arthur J. Behiel
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 4, 2011 at San Francisco, California.

Linda Tan

Linda Tan

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