

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

FUNCTION MEDIA, L.L.C.,

Plaintiff,

vs.

GOOGLE, INC. AND YAHOO, INC.,

Defendants.

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Civil Action No. 2:07-CV-279

JURY TRIAL DEMANDED

NOTICE OF APPEAL

Notice is hereby given that Function Media, L.L.C. ("FM"), Plaintiff in the above named case, hereby appeals to the United States Court of Appeals for the Federal Circuit from the District Court's:

- September 30, 2011 Order denying FM's renewed motion for judgment as a matter of law on validity;
- September 9, 2011 Final Judgment;
- September 9, 2011 Memorandum Opinion and Order denying FM's motion for new trial and motion for judgment as a matter of law on validity; and
- October 9, 2009 Memorandum Opinion and Order concerning claim construction issues.

Dated: October 5, 2011

Respectfully submitted,

/s/ Joseph S. Grinstein (by permission)

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CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2011, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, using the electronic filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Joseph S. Grinstein
Joseph S. Grinstein