

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

ACTIVEVIDEO NETWORKS, INC.,

Plaintiff,

v.

**VERIZON COMMUNICATIONS INC.,
VERIZON SERVICES CORP.,
VERIZON VIRGINIA INC., and
VERIZON SOUTH INC.,**

Defendants.

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) **Case No. 2:10-cv-00248-RAJ-DEM**
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DEFENDANTS' AMENDED NOTICE OF APPEAL

Defendants Verizon Communications Inc., Verizon Services Corp., Verizon Virginia Inc., and Verizon South Inc., (collectively, "Verizon") hereby amend their notice of appeal to the United States Court of Appeals for the Federal Circuit, the Notice of Appeal and the Amended Notice of Appeal including the Final Judgment entered by the district court on August 2, 2011, Dkt. No. 930, the Judgment Regarding Interest entered by the Court on October 13, 2011, Dkt. No. 1150, the Amended Judgment entered by the district court on October 14, 2011, Dkt. No. 1155, and any and all other judgments, rulings, findings, orders, and/or conclusions of any kind decided adversely to Verizon, in whole or in part, at any time, including, but not limited to, the following: the March 21, 2011, Order Denying Verizon's Motion for Summary Judgment (Dkt. No. 394); the March 23, 2011, Order Denying the Parties' Request to Construe 22 Terms (*Markman* I Order) (Dkt. No. 398); the April 7, 2011, Memorandum Opinion and Order Regarding Claim Construction (*Markman* II Order) (Dkt. No. 408); the May 10, 2011,

Memorandum Opinion and Order Granting ActiveVideo's Motion for Partial Summary Judgment of Invalidity (Dkt. No. 442); the June 30, 2011, Memorandum Order Denying Verizon's Motion for Partial Reconsideration Regarding the Validity of the '748 Patent (Dkt. No. 757); the July 1, 2011, Order Regarding Motions *in Limine* (Dkt. No. 763) ; the July 1, 2011, Order *nun pro tunc* July 1, 2011, Denying Verizon's Motion for Reconsideration Based on Newly Discover Evidence (Dkt. No. 776); the July 11, 2011, Order *nun pro tunc* July 1, 2011, Denying Verizon's Emergency Motion for Sanctions, to Continue the Trial Date, and to Permit Additional Discovery (Dkt. No. 777); the July 15, 2011, Order *nun pro tunc* July 11, 2011, Denying Verizon's Motion to Exclude the Expert Reports and Testimony of Gary Arlen and Michael J. Wagner, and Granting in Part and Denying in Part Verizon's Motion to Exclude the Expert Reports and Testimony of Dr. Diana Hawkins Manuelian (Dkt. No. 785); the July 27, 2011, Order Granting ActiveVideo's Motion for Judgment as a Matter of Law Regarding Validity of U.S. Patent No. 5,526,034 (Dkt. No. 883); the August 2, 2011, Order *nun pro tunc* July 29, 2011, Denying Verizon's Motion for Judgment as a Matter of Law on Laches (Dkt. No. 932); the August 2, 2011, Order *nun pro tunc* July 29, 2011, Denying Verizon's Motion for Judgment as a Matter of Law of No Direct Infringement (Dkt. No. 933); the August 2, 2011, Order *nun pro tunc* July 29, 2011, Denying Verizon's Motion for Judgment as a Matter of Law Regarding Damage (Dkt. No. 937); the August 8, 2011, Order *nun pro tunc* July 28, 2011, Granting ActiveVideo's Motion for Judgment as a Matter of Law Regarding the Integration Agreement and Denying Verizon's Motion for Judgment as a Matter of Law Regarding License and Release (Dkt. No. 945); the August 16, 2011, Order *nun pro tunc* July 29, 2011, on Motions Regarding the Validity and Invention Dates of ActiveVideo's Asserted Patents (Dkt. No. 983); the August 17, 2011, Order *nun pro tunc* July 29, 2011, on Motions Regarding Inequitable

Conduct as to ActiveVideo's Asserted Patents (Dkt. No. 985); the October 12, 2011, Order Denying Verizon's Renewed Judgment as a Matter of Law Regarding Pre-Suit Damages (Dkt. No. 1147); the October 13, 2011, Memorandum Opinion and Order Granting ActiveVideo's Motion for Prejudgment Interest, Post-Judgment Interest, and Continuing Damages (Dkt. No. 1149); the October 13, 2011, Order Denying Verizon's Motion for New Trial Due to Prejudice (Dkt. No. 1152); the October 13, 2011, Order Denying Verizon's Motion for Judgment as a Matter of Law Regarding Damages, or for a New Trial, or to Modify the Judgment and for Remittitur (Dkt. No. 1153); the October 4, 2011, Amended Memorandum Opinion and Order Regarding Prejudgment Interest, Post-Judgment Interest, and Continuing Damages (Dkt. No. 1154); the November 6, 2011, Memorandum Opinion and Order Denying Verizon's Motion to Alter or Amend the Judgment Based on Newly Discovered Evidence (Dkt. No. 1185); the November 23, 2011, Memorandum Opinion and Order Granting an Injunction (Dkt. No. 1209); the Jury Instructions and Verdict Form provided to the jury; and any and all oral orders adverse to Verizon rendered before, during, and after the trial held in this matter, including but not limited to all oral orders regarding motion *in limine*, motions for judgment as a matter of law, evidentiary objections before and during trial, jury instructions, and verdict forms.

Dated: November 28, 2011

Respectfully submitted,

**VERIZON COMMUNICATIONS INC.,
VERIZON SERVICES CORP.,
VERIZON VIRGINIA INC. and
VERIZON SOUTH INC.**

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CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following counsel of record:

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