

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ALCATEL-LUCENT USA INC.,	§	
	§	
Plaintiff,	§	Civil Case No. 6:09-CV-422-LED
	§	
v.	§	
	§	
AMAZON.COM, INC.; ZAPPOS.COM, INC.; NETFLIX, INC.;	§	
	§	
OVERSTOCK.COM, INC.; QVC, INC.;	§	
	§	
SEARS HOLDINGS CORPORATION;	§	
	§	
SEARS HOLDINGS MANAGEMENT CORPORATION; SEARS, ROEBUCK AND CO.; SEARS BRANDS, LLC;	§	
	§	
KMART CORPORATION;	§	
	§	
KMART HOLDING CORPORATION;	§	
	§	
LANDS' END, INC.; NEWEGG INC.;	§	
	§	
MAGNELL ASSOCIATE INC. d/b/a NEWEGG.COM; and INTUIT INC.,	§	
	§	
Defendants.	§	

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Alcatel-Lucent USA Inc. (“ALU-USA”) in the above-named case hereby appeals to the United States Court of Appeals for the Federal Circuit from final judgment entered in this matter on November 2, 2011 (Dkt. 500) and all orders subsidiary thereto (including but not limited to the Memorandum Opinion and Order denying ALU-USA’s renewed motions for judgment as a matter of law pursuant to Rule 50(b), or alternatively, for a new trial pursuant to Rule 59(a), on infringement and on the validity of U.S. Patent No. 5,649,131, entered on July 30, 2012 (Dkt. 544); the Order regarding claim construction, entered on June 7, 2011 (Dkt. 311) and the Order denying motions for reconsideration regarding claim construction, entered on August 5, 2011 (Dkt. 394)).

Dated: August 20, 2012

Respectfully submitted,.

By: /s/ Michael E. Jones

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**COUNSEL FOR PLAINTIFF ALCATEL-
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 20, 2012, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served in accordance with the Federal Rules of Civil Procedure.

/s/ Michael E. Jones

Michael E. Jones