

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

SOVERAIN SOFTWARE LLC,

Plaintiff,

vs.

CASE NO. 6:09-CV-274

**J.C. PENNEY CORPORATION, INC.
ET AL.,**

Defendants.

**NOTICE OF APPEAL TO THE UNITED STATES
COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given that Defendant Victoria's Secret Direct Brand Management LLC ("Victoria's Secret") in the above-named case hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Judgment (Docket No. 559), entered in this action on August 22, 2012, and from all interlocutory orders preceding that Final Judgment, including without limitation:

- the Memorandum Opinion and Order (Docket No. 555) denying Victoria's Secret's Post-Trial Motion for Judgment as a Matter of Law and Alternatively for Remitter and New Trial, denying Victoria's Secret's Motion for Summary Judgment of Non-Infringement Based on Divided Infringement, granting Plaintiff Soverain Software LLC's ("Soverain") Motion for Motion for Post-Judgment Royalties, and granting Soverain's Motion for an Award of Pre- and Post-Judgment Interest, and Post-Verdict Damages, entered in this action on August 9, 2012;
- the Jury Verdict (Docket Nos. 505, 506), entered in this action on November 18, 2011;

- the Jury Instructions (*see* Docket Nos. 512, 525), as given to the jury, and the oral rulings related to those instructions, entered in this action on November 18, 2011;
- the oral order (*see* Docket Nos. 511, 524) granting Plaintiff's Motion for Judgment as a Matter of Law, entered in this action on November 17, 2011;
- the Order (Docket No. 476), *inter alia*, denying Defendants' Motion to Clarify the Scope of the Claim Term "Computer," entered in this action October 24, 2011;
- the Order (Docket No. 420) , *inter alia*, denying Defendants' Motion to Strike Certain Portions of the Supplemental Expert Report of Dr. Jack D. Grimes, and denying Defendants' Motion to Strike and Preclude the Expert Report and Testimony of Raymond S. Sims, entered in this action on April 21, 2011; and
- the Memorandum Opinion (Docket No. 332) regarding claim construction, entered in this action on January 13, 2011.

Dated: September 7, 2012

By: /s/Charles Ainsworth
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**ATTORNEYS FOR DEFENDANT
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BRAND MANAGEMENT LLC**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been served on all counsel of record via the Court's CM/ECF system per Local Rule CV-5(a)(3) on September 7, 2012.

By: /s/ Robert D. Rhoad
Robert D. Rhoad