

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

KROY IP HOLDINGS, LLC,	
Plaintiff,	Civil Action No. 2:12-cv-800-WCB
v.	The Honorable William C. Bryson
SAFEWAY, INC.,	
Defendant.	

**NOTICE OF APPEAL**

Notice is hereby given that Plaintiff, Kroy IP Holdings, LLC (“Kroy”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Judgment entered in this action on May 29, 2015 (Dkt. No. 228), and from all prior orders of the court adverse to Kroy, including but not limited to the adjudications that: (1) Claims 1, 19, 20, 21, 22, 23, 24, and 25 of United States Patent No. 7,054,830 are invalid; (2) Kroy takes nothing from defendant Safeway, Inc. (“Safeway”); (3) All pending motions in this action are dismissed as moot; and (4) Pursuant to Rule 54(d) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1920, Safeway is the prevailing party in this matter and that costs are taxed in favor of Safeway.

Kroy further appeals from any and all interlocutory and intervening orders, decisions or rulings that gave rise to such final judgment and any subsequent orders, decisions or rulings that failed to correct such final judgment, to the extent such orders, decisions or rulings were adverse to Kroy, including without limitation:

(a) The Order dated May 29, 2015 (Dkt. No. 226) granting Safeway’s Motion For Summary Judgment Of Invalidity Under 35 U.S.C. Section 101 (Dkt. No. 140).

(b) The Order dated May 29, 2015 (Dkt. No. 225) granting Safeway's Motion For Summary Judgment Of Invalidity Under 35 U.S.C. Sections 102 And 103 (Dkt. No. 148).

(c) The Order dated February 17, 2015 (Dkt. No. 224) denying Kroy's Motion For Leave To File Response To Safeway's Supplemental Brief (Dkt. No. 214).

(d) The Claim Construction Memorandum Opinion And Order dated June 4, 2014 (Dkt. No. 90).

Respectfully submitted,

Date: June 26, 2015

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*Counsel for Kroy IP Holdings, LLC*

**CERTIFICATE OF SERVICE**

The undersigned certifies that all counsel of record who 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) on this the 26th day of June, 2015.

/s/Timothy P. Maloney  
Timothy P. Maloney  
*Counsel for Kroy IP Holdings, LLC*