

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

EMMANUEL C. GONZALEZ,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Case No. 2:14-cv-0906
	§	Consolidated Lead Case
	§	
INFOSTREAM GROUP, INC.,	§	
	§	JURY DEMAND
Defendant.	§	

NEW LIFE VENTURES, INC.	§	Case No. 2:14-cv-0907
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**PLAINTIFF EMMANUEL GONZALEZ’ NOTICE OF APPEAL
TO THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Plaintiff Emmanuel C. Gonzalez (“Gonzalez”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Court’s anticipated Entry of Final Judgment based upon the Court’s Memorandum Opinion and Order dated April 26, 2016 [Dkt. No. 185] (the “Order”), and from any and all other judgments, orders, opinions, rulings, and findings pertinent or ancillary to the foregoing, including without limitation, the Order Vacating Report and Recommendation [Dkt. No. 186].

The Order granted Defendant New Life Ventures, Inc.’s Motion for Summary Judgment of Invalidity [Dkt. No. 142] under 35 U.S.C. § 101. The Order does not include an express Entry of Judgment, and the Court has not yet otherwise entered formal judgment pursuant to Federal Rule of Civil Procedure 58 against Gonzalez. In the meantime, Gonzalez has filed a pending Motion for Reconsideration [Dkt. No. 192], along with a Notice of Supplemental Authority thereto [Dkt. No. 198].

Pursuant to Federal Rule of Appellate Procedure 4(a)(2): “A notice of appeal filed after the court announces a decision or order – but before the entry of the judgment or order – is treated as filed on the date of and after the entry.” Accordingly, Gonzalez respectfully submits this Notice of Appeal, which will become effective and considered filed at least as of the date the Court enters Judgment in this case.¹

Gonzalez submits this Notice at this time, in part, in view of the procedural posture and activities taking place in the co-pending matter styled *Gonzalez v. Tagged, Inc.*, 16-cv-0574 (N.D. Cal.). In that action, the district court granted summary judgment of invalidity on collateral estoppel grounds based upon this Court’s Order, and has entered judgment against Gonzalez with a taxation of costs [Dkt. Nos. 44 and 52]. Thus, while Gonzalez believes his Motion to Reconsider [Dkt. No. 192] is meritorious and should be granted here, in order to fully preserve his rights in this and in the co-pending *Tagged* matter under at least Federal Rule of Civil Procedure 62(d) and Federal Rule of Appellate Procedure 8(a)(1), this Notice of Appeal is believed necessary, timely, and proper.²

Payment of the required fee of \$505, representing the \$500 fee for docketing a case on appeal specified in 28 U.S.C. § 1913, and the \$5 fee for filing a notice of appeal specified in 28 U.S.C. § 1917, is provided with this Notice of Appeal.

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¹ Gonzalez’ Notice of Appeal is, at this time, premised on the Court’s Order granting summary judgment of invalidity, and with the expectation that the Court will ultimately enter Judgment on that basis. Of course, in the event the Court reconsiders the Order (as requested in Dkt. Nos. 192 And 198) and enters an order in which the asserted claims are declared not invalid, then this Appeal will be withdrawn or otherwise restyled as appropriate.

² Gonzalez further expects to rely upon at least the provisions of Federal Rule of Appellate Procedure 60(b) and/or (d) as warranted post-appeal in the *Tagged* action.

Dated: September 9, 2016

Respectfully submitted,

/s/ M. Scott Fuller

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ATTORNEYS FOR PLAINTIFF

EMMANUEL C. GONZALEZ

CERTIFICATE OF SERVICE

The undersigned hereby certifies that 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 on September 9, 2016.

/s/ M. Scott Fuller

M. Scott Fuller