

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

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

ETSY, INC.,

Defendant.

Case No. 6:16-cv-484

JURY TRIAL DEMANDED

NOTICE OF APPEAL

Plaintiff EMG Technology, LLC (“Plaintiff”) by and through their undersigned counsel, hereby give notice that they appeal to the United States Court of Appeals for the Federal Circuit from the District Court’s Final Judgment (Doc. 61) and Order (Doc. No. 60) adopting Report and Recommendation of United States Magistrate Judge (Doc. No. 56), granting Defendant’s Motion to Dismiss for Failure to State a Claim pursuant to Fed. R. Civ. P. 12(b)(6) (Doc. No. 11) and overruling Plaintiff’s Objections (Doc. No. 58), entered in this action on March 1, 2017.

DATED: March 7, 2017

Respectfully Submitted,

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that the following counsel of record, who are deemed to have consented to electronic service are being served this 7th day of March 2017, 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 by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Charles Ainsworth
Charles Ainsworth