

FILED

DEC - 4 2008

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MAVERICK RECORDING CO., *et al.*,

Plaintiffs,

vs.

WHITNEY HARPER,

Defendant.

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CIVIL ACTION NO. 5:07-CV-026-XR

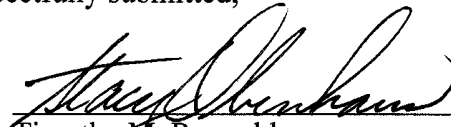
JUDGE XAVIER RODRIGUEZ

PLAINTIFFS' NOTICE OF APPEAL

PLEASE TAKE NOTICE that, pursuant to Fed. R. App. P. 4(a)(3), Plaintiffs are appealing the District Court's rulings permitting Defendant to interpose an "innocent infringer" defense and to be eligible for a reduction in statutory damages under 17 U.S.C. § 504(c)(2) and/or 17 U.S.C. § 402(d) as decided in the following orders: (i) the Court's findings on damages in the Court's Order on Plaintiffs' Motion for Summary Judgment (Doc. No. 55 at 11-14), and (ii) the Court's findings on damages in the Court's Order on Motions for Reconsideration (Doc. No. 74 at 7-9).

Respectfully submitted,

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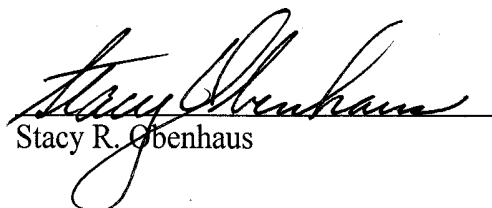
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CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2008, a true and correct copy of the foregoing document has been forwarded to counsel for the Defendant via certified mail, return receipt requested, on the 3rd day of December, 2008.

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