

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORACLE CORPORATION;
ORACLE OTC SUBSIDIARY LLC;
INGENIO, INC.; and
YELLOWPAGES.COM LLC

Petitioners

v.

CLICK-TO-CALL TECHNOLOGIES LP
Patent Owner

CASE: IPR2013-00312

Patent No. 5,818,836

Before MICHAEL R. ZECHER, THOMAS L. GIANNETTI, and
TRENTON A. WARD, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

PATENT OWNER CLICK-TO-CALL'S NOTICE OF APPEAL

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

In accordance with 37 C.F.R. §§ 90.2(a) and 90.3, notice is hereby given that Patent Owner Click-to-Call Technologies LP (“Click-to-Call”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Final Written Decision in Case No. IPR2013-00312 entered October 28, 2014 (Paper 52) (the “Final Written Decision”), and from all underlying findings, determinations, orders, decisions, rulings and opinions, regarding Click-to-Call’s U.S. Patent No. 5,818,836 (“the ’836 Patent”).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner Click-to-Call further indicates that the issues on appeal may include, but are not limited to, the following:

- The Board’s determination that: (1) claims 1, 2, 12, 13, 19, 22, 23, 26, 29, and 30 of the ’836 Patent are invalid under 35 U.S.C. § 102; and (2) claims 1, 2, 8, 12, 13, 15, 16, 19, 22, 23, 26, 29, and 30 of the ’836 Patent are invalid under 35 U.S.C. § 103, and any other finding or determination (legal or factual) supporting or related to this determination.

- The Board's finding or determination (legal or factual) that: (a) U.S. Pat. No. 5,991,394 to Dezonno qualifies as prior art under 35 U.S.C. §102; and (2) Patent Owner failed to prove that the inventor, Mr. DuVal, was reasonably diligent in reducing his inventions to practice from prior to April 21, 1995 until August 9, 1995.
- The Board's determination that this *inter partes* review is not barred by 35 U.S.C. § 315(b), and any other finding or determination (legal or factual) supporting or related to this determination.
- The Board's determination that Petitioners had standing under 37 C.F.R. § 42.101(b) to request *inter partes* review of the '836 Patent, and any other finding or determination (legal or factual) supporting or related to this determination.
- That the application of the statutory bar under 35 U.S.C. § 315(b) bars not just YP Interactive LLC, but all of the other petitioners as well.
- The Board's failure to terminate this IPR under 35 U.S.C. § 315(b) after institution, and any other finding or determination (legal or factual) supporting or related to this determination.

- The Board's denial of Patent Owner's request for authorization to file a motion for additional discovery pursuant to 37 C.F.R. § 42.51(b)(2) regarding the issue of privity under 35 U.S.C. § 315(b) and any other finding or determination (legal or factual) supporting or related to this determination.

Click-to-Call reserves the right to challenge any finding or determination supporting or related to the issues listed above and to challenge any other issues decided adversely to Click-to-Call in the Final Written Decision and/or any orders, decisions or rulings underlying the Final Written Decision.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, three copies of the Notice of Appeal, along with the required docketing fees, are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Dated: November 25, 2014.


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*Attorneys for Patent Owner
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CERTIFICATE OF FILING

I hereby certify that, in addition to being filed electronically through the PTAB's PRPS System, the original version of the forgoing PATENT OWNER CLICK-TO-CALL'S NOTICE OF APPEAL, was filed by hand on the 25th day of November, 2014, with the Director of the United States Patent and Trademark Office, at the following address:

Michelle K. Lee
Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

CERTIFICATE OF FILING

I hereby certify that three (3) true and correct copies of the foregoing, PATENT OWNER CLICK-TO-CALL'S NOTICE OF APPEAL, were filed by hand on the 25th day of November, 2014 with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, DC 20005

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of November, 2014, the foregoing PATENT OWNER CLICK-TO-CALL'S NOTICE OF APPEAL was served upon Petitioner's attorney of record by emailing and mailing by U.S. Postal Service to the following addresses:

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