UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD GROUPON, INC. Petitioner v. BLUE CALYPSO, LLC Patent Owner Case CBM2013-00034 Patent 8,457,670

PATENT OWNER'S NOTICE OF APPEAL

Case CBM2013-00034

Attorney Docket No: 35669-0004CP1

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Blue Calypso, LLC ("Blue Calypso") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board ("PTAB") Final Written Decision entered on December 17, 2014 (Paper 45) and from all adverse underlying orders, decisions, rulings and opinions, including without limitation the Decision on Institution of Covered Business Method Review entered on December 19, 2013 (Paper 9).

In addition to other issues that may be raised on appeal, Patent Owner states, pursuant to 37 CFR 90.2(a)(3)(ii), that the appeal may raise one or more of the following legal issues:

- (1) The PTAB's decision to institute a Covered Business Method review under 37 C.F.R. § 42.208;
- (2) The PTAB's determination that the '670 Patent meets the threshold criteria for standing for Covered Business Method review under AIA § 18(d)(1) and 37 C.F.R. § 42.301, including the determination that the '670 Patent is "used in the practice, administration, or management of a financial product or service" and is not a "technological invention."
- (3) The PTAB's determination of unpatentability under 35 U.S.C. § 102 in view of U.S. Patent Application Publication No. 2002/0169835 A1 (Ex. 1007)

("Paul"), where the Board acknowledged that the reference does not expressly disclose all elements as arranged in the claim, effectively holding that inherent disclosure exists where two different disclosures in the reference could, but not necessarily, be used together to practice the claimed invention.

In addition to this submission, a copy of this Notice of Appeal is being filed with the PTAB through the Patent Review Processing System ("PRPS"), and three (3) copies of this 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.

Case CBM2013-00034 Attorney Docket No: 35669-0004CP1

Respectfully submitted	ully submitted.
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Date: 1/16/2015 /s/ David B. Conrad .

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on January 16, 2015, a complete and entire copy of this Patent Owner's Notice of Appeal was provided via email to the Petitioner by serving the correspondence email addresses of record as follows:

Jeanne M. Gills
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/Edward G. Faeth/

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I hereby certify that, in addition to being filed electronically through the Board's PRPS System, the original version of the foregoing, Notice of Appeal was served by hand on January 16, 2015, with the Director of the United States Patent and Trademark Office, at the following address:

Case CBM2013-00034

Attorney Docket No: 35669-0004CP1

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

I hereby certify that three (3) true and correct copies of the foregoing, Notice of Appeal were filed by hand on January 16, 2015, 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

/Edward G. Faeth/

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