

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

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.

Respectfully submitted,

Date: 1/16/2015

/s/ David B. Conrad

David Conrad

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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:

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