

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Groupon, Inc.
Petitioner

v.

Blue Calypso, LLC
Patent Owner

Case CBM2013-00046
Patent 8,438,055

PETITIONER'S NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 90.2(a), Petitioner Groupon, Inc. gives notice and appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board's ("the Board") Final Written Decision entered on December 17, 2014 (Paper 46), and from all underlying orders, decisions, rulings and opinions, including without limitation the Decision on Institution of Covered Business Method Review dated January 17, 2014 (Paper 9).

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Groupon anticipates that the issues on appeal may include the following, as well as any underlying findings, determinations, rulings, decisions, opinions, or related issues:

1. Whether the Board erred in finding that claim 7 was not invalid under 35 U.S.C. § 102 as anticipated by *Ratismor, Olga, et al.*, Technical Report TR-CS-03-27 "Intelligent Ad Hoc Marketing Within Hotspot Networks," published November 2003 ("Ratsimor");
2. Whether the Board erred in finding that claim 7 was not invalid under 35 U.S.C. § 103 as obvious in view of *Ratismor* and U.S. Patent Publication No. 2002/0169835 ("Paul");

3. Whether the Board erred in finding that claims 8 and 11 were not invalid under 35 U.S.C. § 103 as obvious in view of Ratsimor, Paul, and U.S. Patent Publication No. 2007/0121843 (“Atazky”);
4. Whether the Board erred in finding that claims 7-9 and 11 were not invalid under 35 U.S.C. § 103 as obvious in view of Ratsimor, Paul, and U.S. Patent Publication No. 2007/0207780 (“McLean”);
5. Whether the Board erred in refusing to institute a trial on claims 2, 3, 12, and 13 as being more likely than not unpatentable under 35 U.S.C. § 103 as obvious in view of Ratsimor, Paul, and Atazky; and
6. Whether the Board erred in refusing to institute a trial on claims 2, 3, 12, and 13 as being more likely than not unpatentable under 35 U.S.C. § 103 as obvious in view of Ratsimor, Paul, and McLean.

Copies of this Notice of Appeal are being filed concurrently with the Director and the Patent Trial and Appeal Board. In addition, three copies of this Notice of Appeal and the required docketing fee are being filed with the Clerk of the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

/Jeanne M. Gills/

Jeanne M. Gills
Registration No. 44,458
Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that a copy of the foregoing document is being served on February 4, 2015, as set forth below.

Service by Federal Express:

Director of the United States Patent and Trademark Office
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