

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

METAVANTE CORPORATION and
FIDELITY NATIONAL INFORMATION SERVICES
Petitioner,

v.

CHECKFREE CORPORATION
Patent Owner.

Case CBM2013-00032
Patent 7,792,749

Before BRIAN J. McNAMARA, BARRY L. GROSSMAN, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*

PATENT OWNER CHECKFREE'S NOTICE OF APPEAL

CBM2013-00032
Patent 7,792,749

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

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner CheckFree Corporation (“CheckFree”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on December 22, 2014 (Paper 50), and from all underlying orders, decisions, rulings and opinions, including without limitation the Decision on Institution of Covered Business Method Review entered on December 23, 2013 (Paper 16).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner CheckFree further indicates that the issues on appeal include, but are not limited to, the Patent Trial and Appeal Board’s (1) claim construction, (2) determination that CheckFree’s U.S. Patent No. 7,792,749 (the “’749 patent”) is a covered business method patent and is not a technological invention, (3) determination that claims 1-60 of the ’749 patent are unpatentable for reciting subject matter that is not eligible for patent protection under 35 U.S.C. § 101, (4) and any factual finding, conclusion of law or other determination supporting or related to those issues, as well as all other issues decided adversely to Patent Owner CheckFree in any orders, decisions, rulings, and opinions.

CBM2013-00032
Patent 7,792,749

Patent Owner CheckFree also hereby appeals that the United States Patent and Trademark Office exceeded its statutory authority through rulemaking, including without limitation by adopting rule 37 C.F.R. § 42.301 defining “covered business method patent” and “technological invention.”

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 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.

Dated: February 23, 2015

Respectfully submitted,

/s/Jeffrey P. Kushan
Jeffrey P. Kushan
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Attorney for Patent Owner

CERTIFICATE OF FILING

I hereby certify that, in addition to being filed electronically through the Board's PRPS System, the original version of the foregoing, PATENT OWNER CHECKFREE'S NOTICE OF APPEAL, was filed by hand on this 23rd day of February, 2015, with the Director of the United States Patent and Trademark Office, at the following address:

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 CHECKFREE'S NOTICE OF APPEAL, were filed by hand on this 23rd day of February, 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

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of February, 2015, a copy of the foregoing, PATENT OWNER CHECKFREE'S NOTICE OF APPEAL, including all exhibits, has been served in its entirety by electronic mail on the following counsel of record for Petitioner:

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