

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Fiserv, Inc.

Petitioner

v.

Patent of DATA TREASURY CORPORATION

Patent Owner

CBM2014-00088, U.S. Patent No. 6,032,137

**PATENT OWNER DATATREASURY CORPORATION'S
NOTICE OF APPEAL**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

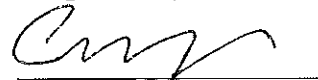
Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner DataTreasury Corporation (“DataTreasury”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on September 1, 2015 (Paper 22), and from all underlying orders, decisions, rulings and opinions, including without limitation the Decision on Institution of Covered Business Method Review entered on September 4, 2014 (Paper 6).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner DataTreasury further indicates that the issues on appeal include, but are not limited to, the Patent Trial and Appeal Board’s determination of unpatentability of claims 1, 2, 16, 18, 22, 25, 26, 29, 36, 38–43, 50, 51, 55, 62, and 63 of DataTreasury’s U.S. Patent No. 6,032,137 (“the ’137 Patent”) under 35 U.S.C. §§ 102, the construction of the claims of the ’137 Patent, determination that the ’137 Patent is a covered business method patent and is not a technological invention, determination that it had proper jurisdiction over the ’137 Patent, and any finding or determination supporting or related to those issues, as well as all other issues decided adversely to Patent Owner DataTreasury in any orders, decisions, rulings and opinions.

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.

Date: October 12, 2015

Respectfully submitted



Christian Hurt
Reg. No. 63,659

Abraham Hershkovitz
Reg. No. 45,294

Stephen Marcus
Reg. No. 64,075

Eugene C. Rzucidlo
Reg. No. 31,900

HERSHKOVITZ & ASSOCIATES, PLLC
2845 DUKE STREET,
ALEXANDRIA, VA 22314
TELEPHONE 703-370-4800
FACSIMILE 703-370-4809
E-MAIL PATENT@HERSHKOVITZ.NET

DEREK GILLILAND
Reg. No. 58,658
NIX PATTERSON & ROACH, L.L.P.
205 Linda Drive
Daingerfield, Texas 75638
903.645.7333 (telephone)
903.645.5389 (facsimile)
dgilliland@nixlawfirm.com

CHRISTIAN HURT
Reg. No. 63,659
NIX PATTERSON & ROACH, L.L.P.
5215 N. O'Connor Blvd., Suite 1900
Irving, Texas 75039

972.831.1188 (telephone)
972.444.0716 (facsimile)
christian.hurt@nixlawfirm.com

CERTIFICATE OF SERVICE

It is hereby certified that the attached PATENT OWNER'S NOTICE OF APPEAL, as well as this Certificate of Service, **are being served on October 12, 2015 by Federal Express and electronic mail** on Petitioner at Petitioner's service address as identified in the USPTO records:

Christopher L.E. Hines
Russ Jones, Jr.
Jay Heidrick
Chines@polsinelli.com
Jheidrick@polsinelli.com
Rjones@polsinelli.com
Polsinelli, PC
100 South Fourth Street, Suite 1000
St. Louis, Missouri 63108

CERTIFICATE OF FILING

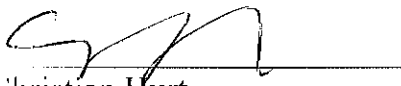
I hereby certify that, in addition to being filed electronically through the Board's PRPS System, the original version of the foregoing, PATENT OWNER DATATREASURY'S NOTICE OF APPEAL, was mailed to be filed by hand this 12th day of October, 2015, with the Director of the United States Patent and Trademark 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 DATATREASURY'S NOTICE OF APPEAL, were mailed to be filed by hand on this 12th day of October, 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


Christian Hurt
Reg. No. 63,659