

CALLWAVE COMMUNICATIONS, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 12-1704-RGA
)	
VERIZON SERVICES CORP., CELLCO)	
PARTNERSHIP, D/B/A VERIZON)	
WIRELESS, and GOOGLE INC.,)	
)	
Defendants.)	
)	
CALLWAVE COMMUNICATIONS, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 12-1788-RGA
)	
AT&T MOBILITY, LLC, BLACKBERRY)	
LTD, and BLACKBERRY CORP.)	
)	
Defendant.)	
)	

PLAINTIFF CALLWAVE COMMUNICATIONS, LLC’S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Pursuant to Rules 3 and 4(a) of the Federal Rules of Appellate Procedure and 28 U.S.C. § 1291, notice is hereby given that Plaintiff Callwave Communications, LLC (“Callwave”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Judgment¹ of this Court, dated February 9, 2016 and entered pursuant to the District Court’s Order Granting Motion for Entry Of Separate And Final Judgment Pursuant to Fed. R.

¹ (D.I. 503 in Case No. 12-1701; D.I. 497 in Case No. 12-1702; D.I. 338 in Case No. 12-1703; D.I. 483 in Case No. 12-1704; and D.I. 280 in Case No. 12-1788)

Civ. P. 54(b),² the Stipulation and [Order] of Non-Infringement,³ including the District Court's Memorandum Opinion on claim construction⁴, and Order Regarding Claim Construction For U.S. Patents 6,771,970 And 7,907,933.⁵ Appellate jurisdiction arises under 28 U.S.C. § 1295(a)(1).

Callwave's appeal includes all decisions and rulings that underlie or are intertwined with the District Court's Order of Final Judgment, including but not limited to the District Court's Memorandum Opinion on claim construction, and Order Regarding Claim Construction For U.S. Patents 6,771,970 And 7,907,933 solely as it relates to U.S. Patent No. 7,907,933, and any other orders, rulings, or judgments underlying or intertwined with the judgment that Defendants AT&T Mobility LLC, Google Inc., T-Mobile USA Inc., Verizon Services Corp. and Cellco Partnership, d/b/a Verizon Wireless, and BlackBerry Ltd. and BlackBerry Corp. do not infringe claims 13-17 of U.S. Patent No. 7,907,933.

Callwave submits herewith the \$500.00 appeal fee required by 28 U.S.C. § 1913 and the \$5.00 filing fee required by 28 U.S.C. § 1917 to the United States District Court of Delaware.

Respectfully submitted,

OF COUNSEL:

William D. Belanger *
Noah V. Malgeri *

/s/ James G. McMillan, III
James G. McMillan, III (Del. Bar. No. 3979)
Pepper Hamilton LLP

² (D.I. 501 in case No. 12-1701; D.I. 495 in case No. 12-1702; D.I. 336 in case No. 12-1703; D.I. 481 in case No. 12-1704; and D.I. 277 in case No. 12-1788)

³ (D.I. 379 in case No. 12-1701; D.I. 401 in case No. 12-1702; D.I. 302 in case No. 12-1703; D.I. 354 in case No. 12-1704; and D.I. 236 in case No. 12-1788)

⁴ (D.I. 224 in case No. 12-1701; D.I. 219 in case No. 12-1702; D.I. 189 in case No. 12-1703; D.I. 203 in case No. 12-1704; and D.I. 163 in case No. 12-1788)

⁵ (D.I. 227 in case No. 12-1701; D.I. 222 in case No. 12-1702; D.I. 192 in case No. 12-1703; D.I. 206 in case No. 12-1704; and D.I. 165 in case No. 12-1788)

Suparna Datta *
Christopher M. Boundy *
Leah R. McCoy *
L. Andrew Tseng *
Megan E. Lantto *
Bryana T. McGillycuddy *
Pepper Hamilton LLP
125 High Street
19th Fl. High Street Tower
Boston, MA 02110
(617) 204-5100

Gregory S. Bishop *
Charles F. Koch *
Pepper Hamilton LLP
333 Twin Dolphin Drive, Suite 400
Redwood City, CA 94065
(650) 802-3600

*all admitted *pro hac vice*

Dated: March 10, 2016

Hercules Plaza, Suite 5100
1313 Market Street
P.O. Box 1709
Wilmington, Delaware 19899-1709
(302) 777-6556
mcmillaj@pepperlaw.com

*Attorneys for Plaintiff
Callwave Communications, LLC*

CERTIFICATE OF SERVICE

I, hereby certify that, on March 10, 2016, I caused a copy of **Plaintiff Callwave Communications, LLC's Notice Of Appeal To The United States Court Of Appeals For The Federal Circuit** to be electronically filed with the Clerk of the Court using CM/ECF, which will send electronic notification of such filing to all counsel of record.

/s/ James G. McMillan, III
James G. McMillan, III (# 3979)