



(“Callwave”) hereby appeals to the United States Court of Appeals for the Federal Circuit from (1) the Final Judgment<sup>1</sup> of this Court, dated January 12, 2017 and entered pursuant to the District Court’s Order Granting Motion for Entry Of Separate And Final Judgment Pursuant to Fed. R. Civ. P. 54(b),<sup>2</sup> (2) the Court’s Memorandum Opinion granting Defendants’ renewed motions for judgment on the pleadings that the asserted claims of the ’970 Patent are invalid under 35 U.S.C. § 101<sup>3</sup> and Court Order,<sup>4</sup> and (3) the Court’s Memorandum Opinion on claim construction<sup>5</sup> and Order Regarding Claim Construction For U.S. Patents 6,771,970 And 7,907,933<sup>6</sup>, solely as they relate to U.S. Patent No. 6,771,970. Appellate jurisdiction arises under 28 U.S.C. § 1295(a)(1).

Callwave’s appeal includes all decisions and rulings related to Callwave’s claims of infringement of U.S. Patent No. 6,771,970.

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<sup>1</sup> (D.I. 736 in Case No. 12-1701; D.I. 682 in Case No. 12-1704; and D.I. 313 in Case No. 12-1788)

<sup>2</sup> (D.I. 734 in Case No. 12-1701; D.I. 680 in Case No. 12-1704; D.I. 311 in Case No. 12-1788)

<sup>3</sup> (D.I. 634 in Case No. 12-1701; D.I. 683 in Case No. 12-1704; and D.I. 304 in Case No. 12-1788)

<sup>4</sup> (D.I. 635 in Case No. 12-1701; D.I. 562 in Case No. 12-1704; and D.I. 305 in Case No. 12-1788)

<sup>5</sup> (D.I. 224 in Case No. 12-1701; D.I. 203 in Case No. 12-1704; and D.I. 163 in Case No. 12-1788)

<sup>6</sup> (D.I. 227 in Case No. 12-1701; D.I. 206 in Case No. 12-1704; and D.I. 165 in Case No. 12-1788)

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.

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, hereby certify that, on February 13, 2017, 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  
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