

1 Frank M. Weyer, Esq. (State Bar No. 127011)
2 **TECHCOASTLAW®**
3 2032 Whitley Ave.
4 Los Angeles CA 90068
5 Telephone: (310) 926-3928
6 Facsimile: (310) 494-9089
7 fweyer@techcoastlaw.com

8 Attorney for Plaintiff
9 EVERYMD

10 **IN THE UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12
13
14 EVERYMD, a partnership,
15 Plaintiffs,

16 v.

17 RICK SANTORUM, MITT
18 ROMNEY, NEWT GINGRICH,
19 GOLDMAN, SACHS, & CO.,
20 JPMORGAN CHASE BANK,
21 N.A., YAHOO, INC.,
22 AOL, INC., GOOGLE, INC.,
23 and MICROSOFT, INC.

24 Defendants

Civil Action No.
CV 12-01623 MRP (FFMx)

NOTICE OF APPEAL

Judge: Hon. Mariana R. Pfaelzer

25 NOTICE IS HEREBY GIVEN that plaintiff EveryMD hereby appeals to the
26 United States Court of Appeals for the Federal Circuit from the Order Staying the
27 Entire Action filed on June 22, 2012 and entered on the docket in this action on June
28 22, 2012: A copy of said order is attached hereto.

1 The names of the parties that have appeared in this action and the names and
2 addresses of their attorneys is as follows:

3
4 Plaintiff:

5 EveryMD

6 Attorney: Frank Michael Weyer
7 TECHCOASTLAW
8 2032 Whitley Ave.
9 Los Angeles, CA 90068
10

11 Defendants:

12 Rick Santorum

13 Mitt Romney

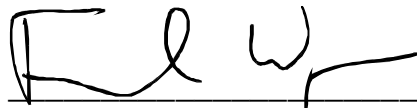
14 Newt Gingrich

15 Attorney: John N. Zarian
16 PARSONS BEHLE & LATIMER
17 960 Broadway Ave., Suite 250
18 Boise, ID 83706
19

20 Respectfully submitted,
21 **TECHCOASTLAW®**

22 Dated: June 25, 2012

23 By:

24 

25 Frank M. Weyer (State Bar No. 127011)
26 2032 Whitley Ave.
27 Los Angeles, CA 90068
28 (310) 926-3928
Fax (310) 494-9089
fweyer@techcoastlaw.com
Attorney for Plaintiff
EVERYMD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

EVERYMD, a partnership

Plaintiff,

v.

RICK SANTORUM, MITT ROMNEY,
NEWT GINGRICH, GOLDMAN, SACHS,
& CO., JPMORGAN CHASE BANK, N.A.,
YAHOO, INC., AOL, INC., GOOGLE, INC

Defendants.

Case No.: CV12-01623 MRP (FFMx)

The Honorable Mariana R. Pfaelzer

~~PROPOSED~~ **ORDER
STAYING ENTIRE ACTION**

NOTE: CHANGES MADE BY THE COURT

1 Having read and considered the Motion for Administrative Dismissal [Dkt. 26] filed by
2 defendants Mitt Romney, Rick Santorum and Newt Gingrich, and all papers filed in
3 support of and in opposition to said motion, and having considered the arguments of
4 counsel made at the hearing on June 11, 2012, the Court issues the following order:

- 5 (A) This entire action is hereby stayed in its entirety.
- 6 (B) The foregoing stay shall remain in force for an indefinite length of time.
- 7 (C) While the stay is in place, no further pleadings shall be filed, including by
8 defendants who have been served but not yet responded to the First Amended
9 Complaint, and no further actions, including discovery, shall be taken.
- 10 (D) Plaintiff shall keep the Court informed and updated regarding developments in
11 the reexamination proceeding by filing ECF notices attaching documents
12 concerning the reexamination.
- 13 (E) This action shall remain stayed in its entirety unless and until this Court grants
14 a properly noticed and duly filed motion by plaintiff to lift the foregoing stay.
- 15 (F) Any motion to lift the foregoing stay shall be made by plaintiff, ~~and may be~~
16 ~~granted by the court,~~ only on the grounds that (i) the pending appeal before
17 the Board of Patent Appeals and Interferences concerning U.S. Patent No.
18 7,644,122 (the '122 Patent) has been fully and finally resolved, including any
19 appeal therefrom to the U.S. Court of Appeals for the Federal Circuit; and (ii)
20 one or more of the claims of the '122 Patent has been revived on appeal from
21 the previous final rejection by the U.S. Patent and Trademark Office of all the
22 original and all newly proposed claims of the '122 Patent.

23 IT IS SO ORDERED.

NOTE: CHANGES MADE BY THE COURT

24
25 DATED: June 22, 2012



26
27 Hon. Mariana R. Pfaelzer
28 UNITED STATES DISTRICT JUDGE