

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTELLECTUAL VENTURES II LLC,

Plaintiff,

-against-

JP MORGAN CHASE & CO., *et al.*

Defendants.

ECF CASE

13 Civ. 03777 (AKH)

DEFENDANTS' NOTICE OF INTERLOCUTORY APPEAL

Notice is hereby given that JPMorgan Chase & Co., JPMorgan Chase Bank, National Association, and Chase Bank USA, National Association, Chase Paymentech Solutions LLC, and Paymentech LLC (collectively, "Defendants") in the above named case hereby appeal to the United States Court of Appeals for the Federal Circuit from the Court's Order Denying Defendant's Motion To Stay Case Pending Patent And Trademark Office Review Of Patents At Issue entered in this action on August 11, 2014. (Dkt. 154.)

Appellate jurisdiction arises from the statute permitting interlocutory appeals from orders pertaining to motions to stay pursuant to Section 18(b) of the Leahy-Smith America Invents Act ("AIA"). 35 U.S.C § 321 note; AIA § 18(b)(2), Pub. L. No. 112-29, 125 Stat. 284, 331 (2011) ("A party may take an immediate interlocutory appeal from a district court's decision [on a motion for stay]. The United States Court of Appeals for the Federal Circuit shall review the district court's decision to ensure consistent application of established precedent, and such review may be de novo."). Appellate jurisdiction also arises under 28 U.S.C. § 1292(c)(1) and 1292(a)(1).

The Court has not entered final judgment under Fed. R. Civ. P. 54 and, therefore, this is not an appeal from final judgment under 28 U.S.C. §§ 1291–1292, 1295.

Dated: August 13, 2014

Respectfully submitted,

/s/ Kenneth R. Adamo

DONTZIN NAGY & FLEISSIG LLP

Tibor L. Nagy, Jr.
Stephanie M. Suarez
980 Madison Avenue
New York, NY 10075
Telephone: (212) 717-2900
Facsimile: (212) 717-8088
tibor@dnflp.com
ssuarez@dnflp.com

DURIE TANGRI LLP

Clement S. Roberts
Michael A. Feldman
217 Leidesdorff Street
San Francisco, CA 94111
Telephone: (415) 362-6666
Facsimile: (415) 236-6300
croberts@durietangri.com
mfeldman@durietangri.com

KIRKLAND & ELLIS LLP

Kenneth R. Adamo
601 Lexington Avenue
New York, New York 10022-4611
Telephone: (212) 446-4839
Facsimile: (212) 446-4900
kenneth.adamo@kirkland.com

Brent P. Ray
Eugene Goryunov
Ryan M. Hubbard
300 N. LaSalle Street
Chicago, IL 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
brent.ray@kirkland.com
eugene.goryunov@kirkland.com
ryan.hubbard@kirkland.com

Attorneys for Defendants / Counterclaim-Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served upon all counsel of record who are deemed to have to consented to electronic service via the Court's CM/ECF system on the 13th day of August, 2014.

/s/ Kenneth R. Adamo

Kenneth R. Adamo