

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

CELLULAR SOUTH, INC.,
Patent Owner.

Case IPR2025-00875
Patent 9,940,972 B2

PETITIONER'S NOTICE OF APPEAL

Pursuant to 28 U.S.C. section 1295(a)(4)(A), 5 U.S.C. sections 701-706, 35 U.S.C. sections 141(c), 142, and 319, and 28 U.S.C. section 1651, and in accordance with 37 C.F.R. sections 90.2-90.3, Petitioner Google LLC appeals to the United States Court of Appeals for the Federal Circuit from the Order Denying Petitioner's Request for Director's Review of the Decision Denying Institution entered on January 12, 2026, and filed in IPR2025-00875 (Paper 13), and from all underlying findings, determinations, rulings, opinions, orders, and decisions regarding the *inter partes* review of U.S. Patent No. 9,940,972 B2 ("the '972 Patent"). This appeal is timely under 35 U.S.C. section 142, 37 C.F.R. section 90.3, Federal Rule of Appellate Procedure 15(a)(1), and Federal Circuit Rule 15(a)(1).

In accordance with 37 C.F.R. section 90.2(a)(3)(ii), Petitioner states that the issues on appeal may include, but are not limited to: that the Board's determination that *inter partes* review of the '972 Patent should be discretionarily denied because of the "settled expectations" of the patent owner, as shown by the length of time that the '972 Patent has been in force, is (1) reviewable on direct appeal because it implicates serious constitutional questions, *see Thryv, Inc. v. Click-To-Call Technologies, LP*. 590 U.S. 45, 53 (2020); and (2) violates the equal protection component of the Due Process Clause of the Fifth Amendment of the United States Constitution, U.S. Const. amend. V.

Pursuant to 35 U.S.C. section 142 and 37 C.F.R. section 90.2(a)(1), this notice is being filed with the Director of the U.S. Patent and Trademark Office, and a copy is also being filed with the Board. In addition, pursuant to Federal Circuit Rule 15(a)(1) and 37 C.F.R. § 90.2(a)(2), Petitioner also is electronically filing this notice with the Clerk of the U.S. Court of Appeals for the Federal Circuit, and paying the fee set forth in Federal Circuit Rule 52.

Dated: March 11, 2026

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Respectfully submitted,

/ Heidi L. Keefe /
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CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through the Patent Trial and Appeals Board P-TACTS System, the above document is being filed with the Director by way of delivery to the email address efileSO@uspto.gov.

In addition, consistent with Federal Circuit Rules 15(a)(1) and 25(b)(1), this Notice of Appeal, along with the required docketing fees and a copy of the decision of the agency for which review is sought, are being filed electronically with the United States Court of Appeals for the Federal Circuit.

DATED: March 11, 2026

/ Heidi L. Keefe /
Heidi L. Keefe
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COOLEY LLP

CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. Section 42.6, that a complete copy of the attached **PETITIONER’S NOTICE OF APPEAL** is being served via electronic mail on the 11th day of March 2026 upon the Patent Owner’s attorneys of record in this proceeding as follows:

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