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11 Attorneys for Defendant  
12 FACEBOOK, INC.

13 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
14 OAKLAND DIVISION

15 WINDY CITY INNOVATIONS, LLC

16 Plaintiff,

17 v.

18 FACEBOOK, INC.,

19 Defendant.  
20

Case Nos. 4:16-cv-01730-YGR

**NOTICE RE STATUS OF WINDY CITY'S  
APPEALS OF ADVERSE IPR DECISIONS**

21 Defendant Facebook, Inc. ("Facebook") files this Notice to provide the Court with an  
22 update regarding Plaintiff Windy City Innovations LLC ("Windy City") (together, "the  
23 Parties") filing of Notices of Appeals with the U.S. Court of Appeals for the Federal Circuit  
24 regarding Final Written Decisions in the *inter partes reviews* ("IPR") of U.S. Patent Nos.  
25 8,407,356 ("the '356 patent"), 8,458,245 ("the '245 patent"), 8,473,552 ("the '552 patent"),  
26 and 8,694,657 ("the '657 patent") (collectively, "the Patents-in-Suit").

27 **Windy City's Appeals.** On February 5, 2018, the Parties filed a Joint Case  
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1 Management Statement in which Facebook informed the Court of its pending Notices of  
 2 Appeal. (Dkt. No. 95 at 4). In the Joint Case Management Statement, Windy City declined to  
 3 inform Facebook or the Court of its intention to file any Notices of Appeal.

4 On February 7, 2018—just two days after failing to provide Facebook or the Court with  
 5 notice of its intentions—Windy City filed six Notices of Appeal (Exs. 1-6), challenging all  
 6 adverse decisions from six different IPRs of the Patents-in-Suit, including the PTAB’s finding  
 7 unpatentable twenty-three of the thirty-two asserted claims Windy City elected to pursue in  
 8 this case. (Dkt. No. 95 at 2-3).

9 **Facebook’s Appeals.** On January 10, 2018, Facebook filed four Notices of Appeal to  
 10 the U.S. Court of Appeals for the Federal Circuit appealing, among other issues, the PTAB’s  
 11 finding that the nine remaining asserted claims were not unpatentable. Fed. Cir. Appeal Nos.  
 12 18-1400, -1401, -1402, -1403. All of Facebook’s appeals have been consolidated under Case  
 13 No. 18-1400.

14 **Status of Asserted Claims.** As a result of the parties’ ten Notices of Appeal, all  
 15 asserted claims in this litigation are currently on appeal to the Federal Circuit:

Patent	Asserted Claims Found Unpatentable: Appealed by Windy City	Asserted Claims Not Found Unpatentable: Appealed by Facebook	Asserted Claims Not Appealed by Any Party
8,407,356	1, 2, 7, 14, 16, 19, 20, 26, 33, 35	None	None
8,458,245	None	19, 22-25	None
8,473,552	10, 14, 15, 16, 16, 59, 64	None	None
8,694,657	189, 465, 477, 482, 487, 492	203, 209, 215, 221	None

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Dated: February 8, 2018

Respectfully submitted,

COOLEY LLP

/s/ Phillip E. Morton

Phillip E. Morton

Attorneys for Defendant

FACEBOOK, INC.