

EXHIBIT 3

IPR2016-01141
U.S. Pat. No. 8,458,245

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.
Petitioner

v.

WINDY CITY INNOVATIONS, LLC
Patent Owner

U.S. Pat. No. 8,458,245
Issue Date: June 4, 2013
Title: REAL TIME COMMUNICATIONS SYSTEM

PATENT OWNER'S NOTICE OF APPEAL

Case No. IPR2016-01141¹

¹ Case No. IPR2017-00655 has been joined with this proceeding.

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner Windy City Innovations, LLC hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered December 6, 2017 (Paper 59) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 8,458,245 (the “245 patent”) in Case No. IPR2016-01141. This notice is timely under 37 C.F.R. § 90.3, having been filed within 63 days after the date of the Final Written Decision.

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner anticipates that the issues on appeal may include, but are not limited to: the Board’s decision to join IPR2017-00655 with IPR2016-01141 (Paper 28) with respect to only a subset of the claims for which the IPR2016-01141 petition sought invalidation; the Board’s decision to maintain the IPR2016-01141 “in abeyance” without a petitioner (Paper 27); the Board’s decision denying termination as to Patent Owner (Paper 29); the Board’s decision denying Patent Owner’s request for rehearing with respect to joinder and termination (Paper 49); the Board’s claim constructions, and the Board’s determinations that claims 1–15, 17, and 18 of the ’245 patent are unpatentable under 35 U.S.C. § 103 (Paper 59); the findings, rulings and conclusions supporting or relating those determinations; and any other issues decided adversely to Patent

IPR2016-01141
U.S. Pat. No. 8,458,245

Owner in any orders, decisions, rulings, or opinions in IPR2016-01141 and IPR207-00655.

Simultaneous with this submission, three (3) copies of this Notice of Appeal are being filed with the Clerk of the United States Court of Appeals for the Federal Circuit and being submitted electronically through the Court's CM/ECF system, together with the requisite fee in the amount of \$500. In addition, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board and served upon counsel of record for Facebook, Inc.

Respectfully submitted,

Dated: February 7, 2018

/Peter Lambrianakos/

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4) and 37 C.F.R. § 90.2(a)(3)(ii), the undersigned certifies that on February 7, 2018, a true and correct copy of the foregoing the PATENT OWNER'S NOTICE OF APPEAL was served **via email** on the Petitioner by serving the correspondence email addresses of record below:

<p>By Email:</p> <p>Heidi L. Keefe (Reg. No. 40,673) hkeefe@cooley.com zpatdcdocketing@cooley.com COOLEY LLP ATTN: Patent Group 1299 Pennsylvania Ave., NW, Suite 700 Washington, DC 20004</p>	<p>By Email:</p> <p>Phillip E. Morton (Reg. No. 57,835) pmorton@cooley.com zpatdcdocketing@cooley.com COOLEY LLP ATTN: Patent Group 1299 Pennsylvania Ave., NW, Suite 700 Washington D.C. 20004</p>
<p>By Email:</p> <p>Andrew C. Mace (Reg. No. 63,342) amace@cooley.com zpatdcdocketing@cooley.com COOLEY LLP ATTN: Patent Group 1299 Pennsylvania Ave., NW, Suite 700 Washington, DC 20004</p>	<p>By Email:</p> <p>Daniel J. Knauss (Reg. No. 56,393) dknauss@cooley.com zpatdcdocketing@cooley.com COOLEY LLP ATTN: Patent Group 1299 Pennsylvania Ave., NW, Suite 700 Washington, DC 20004</p>

Dated: February 7, 2018

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