

EXHIBIT 4

IPR2016-01067
U.S. Pat. No. 8,407,356

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. 8,407,356
Issue Date: March 26, 2013
Title: REAL TIME COMMUNICATIONS SYSTEM

PATENT OWNER'S NOTICE OF APPEAL

Case No. IPR2016-01067¹

¹ Case No. IPR2017-00624 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 65) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 8,407,356 (the “356 patent”) in Case No. IPR2016-01067. 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 IPR2017-00624 with IPR2016-01067 (Paper 33) with respect to only a subset of the claims for which the IPR2016-01067 petition sought invalidation; the Board’s decision to maintain the IPR2016-01067 “in abeyance” without a petitioner (Paper 32); the Board’s decision denying termination as to Patent Owner (Paper 34); the Board’s decision denying Patent Owner’s request for rehearing with respect to joinder and termination (Paper 55); the Board’s prior art determinations, the Board’s claim constructions, and the Board’s determinations that claims 1–9, 12, 14–28, 31, and 33–37 of the ’356 patent are unpatentable under 35 U.S.C. § 103 (Paper 65); the findings, rulings and conclusions supporting or relating to those determinations;

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and any other issues decided adversely to Patent Owner in any orders, decisions, rulings, or opinions in IPR2016-01067 and IPR2017-00624.

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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