

EXHIBIT 5

IPR2016-01158
U.S. Pat. No. 8,473,552

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. 8,473,552
Issue Date: June 25, 2013
Title: COMMUNICATIONS SYSTEM

PATENT OWNER'S NOTICE OF APPEAL

Case No. IPR2016-01158

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 47) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 8,473,552 (the “’552 patent”) in Case No. IPR2016-01158. 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 claim constructions, its application of those constructions, its obviousness determinations including that claims 2, 3, 5, 7, 10–17, 59, and 64 of the ’552 patent are unpatentable under 35 U.S.C. § 103; the findings, rulings and conclusions supporting or relating to those determinations, and any other issues decided adversely to Patent Owner in any orders, decisions, rulings, or opinions in IPR2016-01158.

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

IPR2016-01158
U.S. Pat. No. 8,473,552

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

/Vincent J. Rubino, III/

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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 zpatdcdocting@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 zpatdcdocting@cooley.com COOLEY LLP ATTN: Patent Group 1299 Pennsylvania Ave., NW, Suite 700 Washington D.C. 20004</p> |
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