

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. 8,694,657
Issue Date: April 8, 2014
Title: REAL TIME COMMUNICATIONS SYSTEM

PATENT OWNER'S NOTICE OF APPEAL

Case No. IPR2016-01155¹

¹ Case No. IPR2017-00622 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 63) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 8,694,657 (the “657 patent”) in Case No. IPR2016-01155. 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 IPR2017-00622 with IPR2016-01155 (Paper 32) with respect to only a subset of the claims for which the IPR2016-01155 petition sought invalidation; the Board’s decision to maintain the IPR2016-01155 “in abeyance” without a petitioner (Paper 31); the Board’s decision denying termination as to Patent Owner (Paper 33); the Board’s decision denying Patent Owner’s request for rehearing with respect to joinder and termination (Paper 53); the Board’s claim constructions, the Board’s prior art determinations, and the Board’s determination that claims 189 and 465 of the ’657 patent are unpatentable under 35 U.S.C. § 103 (Paper 63); 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 IPR2016-01155 and IPR2017-00622.

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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BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.,
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v.

WINDY CITY INNOVATIONS LLC,
Patent Owner.

Case IPR2016-01155¹
Patent 8,694,657 B1

Before KARL D. EASTHOM, DAVID C. McKONE, and
MELISSA A. HAAPALA, *Administrative Patent Judges*.

McKONE, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

¹ Case IPR2017-00622 has been joined with this proceeding.

I. INTRODUCTION

A. Background

Microsoft Corporation filed a Petition (Paper 1, “Pet.”) to institute an *inter partes* review of claims 1, 2, 18, 27, 35, 43, 51, 65, 79, 93, 100, 108, 114, 126, 138, 150, 156, 168, 170, 172, 176, 178, 180, 182–90, 202, 208, 214, 220, 226, 238, 250, 262, 268, 274, 280, 292, 304, 316, 322, 328, 334, 336, 340, 342, 344, 346, 348, 350, 352–54, 362, 366, 370, 374, 378, 386, 394, 402, 406, 410, 414, 422, 430, 438, 442, 450, 452, 454, 456, 458, 460, 462, 464–66, 476, 481, 486, 491, 496, 505, 515, 525, 530, 535, 545, 555, 565, 570, 580, 582, 584, 586, 588, 590, 592, 594, 596–98, 606, 607, 615–17, 619, 621, 622, 624–26, 628, 630, 632–34, 636, 638, 640–42, 644, 646, and 648–71 of U.S. Patent No. 8,694,657 B1 (Ex. 1001, “the ’657 patent”).

Windy City Innovations LLC (“Patent Owner”) filed a Preliminary Response (Paper 9, “Prelim. Resp.”).

Pursuant to 35 U.S.C. § 314, in our Institution Decision (Paper 12, “Dec.”), we instituted this proceeding as to each of these challenged claims.

Patent Owner filed a Patent Owner’s Response (Paper 27, “PO Resp.”), and Petitioner filed a Reply to the Patent Owner’s Response (Paper 44, “Reply”).

Between the PO Response and the Reply, Facebook, Inc. (“Petitioner”) filed a Petition (IPR2017-00622, Paper 2, “Joinder Pet.”) for *inter partes* review of claims 189 and 465 of the ’657 patent in IPR2017-00622 along with a Motion for Joinder with this proceeding (IPR2017-0622, Paper 3). Before we ruled on the Motion for Joinder, Microsoft and Patent Owner settled and moved to terminate this proceeding. Paper 29. We granted the Motion to Terminate as to Microsoft, but not as to Patent Owner.

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