

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.
Petitioner

v.

WINDY CITY INNOVATIONS, LLC,
Patent Owner.

Case IPR2016-01159¹
Patent 8,694,657 B1

PETITIONER'S NOTICE OF APPEAL

¹ Case No. IPR2017-00659 was joined with this proceeding.

Pursuant to 37 C.F.R. § 90.2(a) and 35 U.S.C. § 142, Petitioner Facebook, Inc. ("Petitioner") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board's ("Board's") Final Written Decision entered December 6, 2017 (Paper 52), and from all underlying and related findings, orders, decisions, rulings and opinions. A copy of the Board's Final Written Decision is attached hereto.

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Petitioners further indicate that the issues on appeal may include, but are not limited to: the Board's determination that claims 203, 209, 215, and 221 have not been shown to be 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 Petitioners in any orders, decisions, ruling, or opinions.

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, 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 Windy City Innovations, LLC.

IPR2016-01159
Petitioner's Notice of Appeal

Dated: January 10, 2018

COOLEY LLP
ATTN: Patent Docketing
1299 Pennsylvania Ave., NW, Suite 700
Washington, DC 20004
Tel: (650) 843-5001
Fax: (650) 949-7400
Email: hkeefe@cooley.com

Respectfully submitted,

By: / Heidi L. Keefe /
Heidi L. Keefe
Reg. No. 40,673
Counsel for Petitioner
Facebook, Inc.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.,
Petitioner,

v.

WINDY CITY INNOVATIONS, LLC,
Patent Owner.

Case IPR2016-01159¹
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 No. IPR2017-00659 has been joined with this proceeding.

I. INTRODUCTION

A. Background

Facebook, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) to institute an *inter partes* review of claims 189, 334, 342, 348, 465, 580, 584, and 592 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 6, “Prelim. Resp.”).

Pursuant to 35 U.S.C. § 314, in our Institution Decision (Paper 7, “Dec.”), we instituted this proceeding as to claims 189, 334, 342, 348, 465, 580, 584, and 592.

Patent Owner filed a Patent Owner’s Response (Paper 22, “PO Resp.”), and Petitioner filed a Reply to the Patent Owner’s Response (Paper 31, “Reply”).

Petitioner relies on the Declarations of Tal Lavian, Ph.D. (Ex. 1002, “Lavian Decl.”; Ex. 1021, “2nd Lavian Decl.”). Patent Owner relies on the Declaration of Jaime G. Carbonell, Ph.D. (Ex. 2005, “Carbonell Decl.”).

On January 12, 2017, Petitioner filed a petition seeking *inter partes* review of claims 203, 209, 215, 221, 477, 482, 487, and 492 of the ’657 patent and sought to join that proceeding to this proceeding. IPR2017-00659, Paper 2 (“the ’659 Pet.”), Paper 3 (Mot. for Joinder). We instituted a trial in that proceeding for all challenged claims and joined it to this proceeding. Paper 34 (the “’659 Dec.”). Petitioner relies on the Declaration of Dr. Lavian in the ’659 proceeding (IPR2017-00659, Ex. 1002 (“Lavian ’659 Decl.”)).

As to the additional claims challenged in the ’659 Petition, Patent Owner filed a Supplemental Patent Owner’s Response (Paper 45, “Supp. PO

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.