

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FACEBOOK INC.  
Petitioner

v.

WINDY CITY INNOVATIONS LLC  
Patent Owner

Patent No. 8,694,657  
Issue Date: April 8, 2014  
Title: REAL TIME COMMUNICATIONS SYSTEM

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**PATENT OWNER'S PRELIMINARY RESPONSE**

Case No. IPR2017-00622

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## I. INTRODUCTION

On January 7, 2017, Facebook Inc. (“Petitioner”) filed an *inter partes* review petition (Paper 2, the “Petition”), challenging Claims 189 and 465 (the “Challenged Claims”) of U.S. Patent Number 8,694,657 (Ex. 1001, the “’657 Patent”). On the same day, Petitioner filed a motion to join the Petition to IPR2016-01155, requesting that the Board exercise its discretion despite Petitioner delaying the filing of this Petition since June 2, 2015.<sup>1</sup> To date, Facebook Inc. and Microsoft Corporation have filed 21 *inter partes* review petitions against Patent Owner over the same group of patents including the ’657 Patent which is now the subject of 6 IPR proceedings.<sup>2</sup> For the Board’s convenience, Patent Owner submits the following list of pending proceedings involving the parties:

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<sup>1</sup> On June 2, 2015, Patent Owner filed a complaint for patent infringement against Facebook (Case No. 4:16-cv-01730-YGR) and Microsoft (Case No. 4:16-cv-01730-YGR) in the Western District of North Carolina, asserting that Facebook and Microsoft have each infringed the ’657 Patent and three other patents. On March 16, 2016, the cases were transferred to the Northern District of California.

<sup>2</sup> On June 3, 2016, Microsoft and Facebook filed 11 petitions. Four of the 11 Petitions were denied institution. In January 2017, Microsoft and Facebook filed an additional 10 petitions, including this Petition, all seeking joinder to one of the 11 previously-filed petitions. The ’657 is currently the subject of 6 petitions, including this Petition.

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