

**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

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Patent No. 8,694,657  
Issued: April 8, 2014  
Filed: September 20, 1999

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Title: REAL TIME COMMUNICATIONS SYSTEM

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**MOTION FOR JOINDER UNDER 35 U.S.C. § 315(c)  
AND 37 C.F.R. §§ 42.22 and 42.122(b) TO RELATED *INTER PARTES*  
REVIEW IPR2016-01159**

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## I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Facebook, Inc. (“Petitioner” or “Facebook”) respectfully submits this Motion for Joinder, together with a Petition for *Inter Partes* Review of U.S. Patent No. 8,654,657 (“’657 Patent”) (“the Joinder Petition”) filed contemporaneously herewith.

The Board instituted *inter partes* review of claims 189, 334, 342, 348, 465, 580, 584, and 592 of the ’657 Patent in *Facebook, Inc. v. Windy City Innovations, LLC*, Case IPR2016-01159 (the “Facebook IPR”) on December 12, 2016. Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. §§ 42.22 and 42.122(b), Petitioner requests institution of an *inter partes* review and joinder only as to claims 203, 209, 215, 221, 477, 482, 487, and 492 (“the Petition Claims”) of the ’657 Patent, with instituted proceeding IPR2016-01159.

Institution and joinder are appropriate because the Joinder Petition challenges only claims that were asserted in litigation for the first time by Patent Owner against Facebook after the expiration of the one-year period under 37 C.F.R. § 42.101(b). It would have been unreasonable for Facebook to challenge all 671 claims of the ’657 Patent prior to the one-year bar, and would have risked unnecessarily burdening the Board and parties with a large number of claims that Patent Owner would never assert in litigation. Under the circumstances, Facebook challenged independent claims 189 and 465 and a reasonable selection of

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