

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Action No. 1:15-cv-102**

WINDY CITY INNOVATIONS, LLC,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

**DEFENDANT FACEBOOK,
INC.'S MEMORANDUM IN
SUPPORT OF MOTION TO
DISMISS PURSUANT TO
FRCP 12(b)(6)**

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I. INTRODUCTION AND STATEMENT OF ALLEGATIONS

Plaintiff Windy City Innovations, LLC filed a Complaint vaguely asserting direct and indirect infringement of four patents, all combined under one “count” without identifying **which specific claims in which specific patents are asserted against which specific Facebook products in this litigation.** The four asserted patents collectively span hundreds of pages and include 830 claims. Yet, without identifying a single specific claim, the Complaint alleges that the entirety of “Facebook.com” as well as “Facebook apps” somehow infringe the patents.

The Complaint alleges that “Facebook’s Accused Instrumentalities meet claims of the patents-in-suit” (Compl. ¶ 23), and defines “Facebook’s Accused Instrumentalities” as the entirety of “Facebook.com” and “Facebook apps.” (Compl. ¶ 20.) Further, the definitions for these terms are hardly comprehensible.

“Facebook.com” allegedly refers to:

the Facebook.com website, client software (including, e.g., plug-ins, third-party applications, or helper applications), Facebook’s internal and developer APIs, servers and computers that are used to support the described functionalities, including facilitating communications and virtual connections between users of Facebook.com, and includes any improvements, modifications, enhancements, fixes, updates, upgrades and future versions through trial.

(Compl. ¶ 16.) “Facebook apps” allegedly refers to:

the Facebook app, the Facebook Messenger app, client software (including, e.g., plug-ins, third-party

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