

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 OAKLAND DIVISION

4 WINDY CITY INNOVATIONS, LLC

5 Plaintiff,

6 v.

7 FACEBOOK, INC.,

8 Defendant.

Case No. 4:16-cv-01730-YGR

~~PROPOSED~~ JUDGMENT

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11 WHEREAS Plaintiff Windy City Innovations, LLC ("Windy City") filed a Complaint on June  
12 2, 2015 in the U.S. District Court for the Western District of North Carolina alleging patent  
13 infringement against Facebook, Inc. ("Facebook") of U.S. Patent Nos. 8,407,356, 8,458,245,  
14 8,473,552, and 8,694,657 (Doc. No. 1);

15 WHEREAS this action was transferred to the U.S. District Court for the Northern District of  
16 California on April 6, 2016 (Doc. No. 32);

17 WHEREAS the Court stayed this action pending decisions by the Patent Trial and Appeal  
18 Board (PTAB) with respect to *Inter Partes* Review petitions filed by Facebook (Doc. No. 76);

19 WHEREAS after issuance of Final Written Decisions by the PTAB, and completion of fact  
20 and expert discovery, the case proceeded as to only U.S. Pat. No. 8,458,245 (the "'245 patent");

21 WHEREAS on February 12, 2018, the Court denied Windy City's request to substitute or  
22 otherwise amend its list of asserted claims in light of the PTAB's decisions;

23 WHEREAS the PTAB's final written decisions concerning the validity of U.S. Patent Nos.  
24 8,407,356, 8,458,245, 8,473,552, and 8,694,657 is currently on appeal at the Federal Circuit;


25 WHEREAS on September 24, 2019, the Court issued an order granting summary judgment as  
26 to the '245 patent claims 19, 22, 23, 24, and 25 based on lack of subject matter eligibility (Doc. No.  
27 215);  
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NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment is hereby entered in favor of Facebook and against Windy City.

**IT IS SO ORDERED.**

Dated: October 3, 2019

  
Hon. Yvonne Gonzalez Rogers  
United States District Judge