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Please find below and/or attached an Office communication concerning this application or proceeding.

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PTOL-90A (Rev. 04/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.,
Requester,

v.

WIRELESS INK CORP.,
Patent Owner.

Appeal 2014-007363
Reexamination Control 95/001,989
Patent 8,135,801 B2
Technology Center 3900

Before STEPHEN C. SIU, DENISE M. POTHIER, and ANDREW J. DILLON, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL

Patent Owner appeals under 35 U.S.C. §§ 134 and 315 the Examiner's rejections of claims 1–31 over various grounds. PO App. Br. 5–6. Requester appeals the Examiner's decision not to adopt the rejection of claim 14 as anticipated by a specific embodiment allegedly disclosed by Neibauer or Hill. 3PR App. Br. 5. We have jurisdiction under 35 U.S.C. §§ 134 and 315. An oral hearing was conducted on October 1, 2014.

STATEMENT OF THE CASE

This proceeding arose from a May 14, 2012 request by Facebook, Inc. ("Requester") for an *inter partes* reexamination of claims of U.S. Patent 8,135,801 B2, titled "Method, Apparatus and System for Management of Information Content for Enhanced Accessibility Over Wireless Communication Networks" and issued to David Walker Harper, Jason James Sabella, and William Henry Munch, on March 13, 2012 ("the '801 Patent").

The '801 patent describes a method and system for information content management. '801 Patent Spec. 1:19–20.

Claim 1 reads as follows:

> 1. A method for managing information content in a network-based communication system, the method comprising the steps of:
>
> providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to designate a plurality of other users that will share access to content with the first user, in accordance with accessibility rules established by the first user; and
>
> generating a second web-based interface wherein access to the content via the second web-based interface is controlled in accordance

with the accessibility rules established by the first user via the first web-based interface;

wherein the first user mutually consents with each of the plurality of other users to share access to the content via the second web-based interface to the exclusion of additional users not designated by the first user.

The cited references are as follows:

Douvikas	US 6,691,158 B1	Feb. 10, 2004
Sutherland	US 2002/0120757 A1	Aug. 29, 2002
Cheng	US 7,574,486 B1	Aug. 11, 2009

David Fox and Troy Downing, WEB PUBLISHER'S CONSTRUCTION KIT WITH HTML 3.2 (1996) ("Fox").

Posting of Rich Hoeg to http://groups.google.com/group/rec.music.makers.squeezebox/msg/bad6 . . . entitled "Virtual Accordion Clubs from Yahoo!" (December 1, 1998) ("Club Invite").

Alan Neibauer, HOW TO DO EVERYTHING WITH YAHOO! (2000) ("Neibauer").

Brad Hill, YAHOO! FOR DUMMIES (2nd ed. 2001) ("Hill").

Patent Owner appeals the Examiner's rejections of claims 1–13, 15–22, and 26–31 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; claims 1, 3–9, 12–15, 17–19, 21, 22, 27, and 28 under 35 U.S.C. § 102(b) as anticipated by Neibauer; claims 1, 3–9, 12–15, and 17–19 under 35 U.S.C. § 102(b) as anticipated by Hill; claims 1, 3–13, 15, 17–22, 27, 28, 30, and 31 under 35 U.S.C. § 102(b) as anticipated by Sutherland; claims 1–9, 12, 13, 15–19, and 21–28 under 35

U.S.C. § 103(a) as unpatentable over Neibauer; claims 11, 20, 30, and 31 under 35 U.S.C. § 103(a) as unpatentable over Hill and Douvikas; claims 20 and 29–31 under 35 U.S.C. § 103(a) as unpatentable over Neibauer and Douvikas; claims 10 and 11 under 35 U.S.C. § 103(a) as unpatentable over Neibauer and Club Invite; claims 2, 16, 23–26, and 29 under 35 U.S.C. § 103(a) as unpatentable over Sutherland and Cheng; claim 5 under 35 U.S.C. § 103(a) as unpatentable over Sutherland and Fox; and claims 10 and 12 under 35 U.S.C. § 103(a) as unpatentable over Sutherland and Neibauer.

Requester appeals the Examiner's non-adoption of the rejection of claim 14 under 35 U.S.C. § 102(b) as anticipated by any one of Neibauer and Hill with respect to the so-called "Yahoo! Briefcase embodiment" (*see* below).

ISSUE

Did the Examiner err in rejecting claims 1–31 and by failing to adopt one of Requester's proposed rejections of claim 14?

PRINCIPLES OF LAW

In rejecting claims under 35 U.S.C. § 102, "[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation." *Perricone v. Medicis Pharm. Corp.,* 432 F.3d 1368, 1375 (Fed. Cir. 2005) (citation omitted).

The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, and

(3) the level of skill in the art. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966).

"The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007).

ANALYSIS

35 U.S.C. 112, first paragraph – Written Description – Patent Owner's Appeal

Claims 1, 17, and 20, as amended, recite "wherein the first user mutually consents with each of the plurality of other users to share access to the content via the second web-based interface to the exclusion of additional users not designated by the first user." Claim 16 recites "access to content at the second web site . . . is restricted to the first user and a plurality of other users designated by the first user that have mutually consented with the first user to share said content at the second web site."

The Examiner finds that "[t]he '801 specification does not support the added limitation: 'wherein the first user mutually consents with each of the plurality of other users to share access to the content via the second web-based interface to the exclusion of additional users not designated by the first user.'" RAN 11, 14.

Patent Owner argues that "the limitations at issue are extensively described and supported [at] column 6, lines 7–26, column 7, lines 19–32, column 11, lines 3–52, column 16, lines 45–54 and FIGS. 2, 3, 11, 22, 24f and 24g" of the '801 patent and that "specific portions [that] are cited . . . are

not exhaustive of the detailed support for the [disputed] limitations." PO App. Br. 7. Upon review, the '801 Patent's Specification discloses that a "registered user may be permitted to elect to share his or her . . . information, or other types of user information, with other users" in which "an email message is sent to . . . [registered] individuals" through which those individuals "will be given the option of accepting or declining the information sharing proposal." The '801 Patent Spec., 11:26–28, 33–37. In other words, the '801 Patent's Specification discloses a first user mutually consenting with each of the plurality of other users (via an email through which the other users may "consent" to access by opting to accept "the information sharing proposal") to share access to the content via the second web-based interface to the exclusion of additional users not designated by the first user.

The Examiner and Requester focus on the language of "to the exclusion of additional users not designated by the first user" found in claims 1, 17, and 20. RAN 9–10, 13–14. In particular, given the disclosure of the'801 patent, we find that if the intent of the discussion in column 11 of the '801 patent was to share content with all users, including those who are not proposed by the first user for sharing information, then why would the software bother sending email messages to invited users to accept or deny the information in the first instance. We find that this disclosure reasonably conveys to an ordinarily skilled artisan that the inventor had possession of the phrase, "to the exclusion of additional users not designated by the first user" at the time of the invention.

The Examiner erred in rejecting claims 1–13, 15–22, and 26–31 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Anticipation Rejection Based on Neibauer – Patent Owner's Appeal

Representative claim 14 recites a first web-based interface being configured to permit the first user to designate a plurality of other users that will share access to content with the first user, in accordance with accessibility rules established by the first user and a second web-based interface that is controlled in accordance with the accessibility rules established by the first user via the first web-based interface.

Patent Owner argues that Neibauer fails to disclose "that access to content via a second web-based interface is controlled in accordance with the accessibility rules established by the first user" because "[u]pon joining the given club [in Neibauer], such additional members can obtain access to content associated with the club without mutual consent of other club members, including club founders." PO App. Br. 11–12. We are not persuaded by Patent Owner's arguments for at least the reasons set forth by Requester. 3PR Resp. Br. 6–13.

For example, Neibauer discloses an "unlisted club" that "is private." Neibauer, Chapter 21, p. 473. The "unlisted club" is one in which "members who were invited to join may join the club and be able to access it" and "is ideal for sharing private information." *Id.* In other words, Neibauer discloses a plurality of other users (i.e., member invited to join the club by a "first" user) that have exclusive access to content (i.e., invited members are

able to access the data content) relative to users not in the group (i.e., users who are not invited to join the club do not have access to the data content).

Patent Owner argues that Neibauer fails to disclose "a group of members that relative to users not in the group have exclusive access to content" because "any club member . . . can invite numerous additional members." PO App. Br. 13. As previously discussed, Neibauer discloses an "unlisted club" in which "members who were invited to join may join the club and be able to access it." Neibauer, Chapter 21, p. 473. Given this disclosure, if members who are invited to join the club may access the club content, then those users who were not invited to join the club cannot access the club content. Patent Owner does not explain sufficiently a difference between Neibauer and the claim requirement of a plurality of other users that "have exclusive access to said content" "relative to users not in said group." In both cases, a selected group of users is granted access to content while another (not selected) group of users is not granted access to the content.

Even assuming that Patent Owner's contention that Neibauer discloses that "any club member . . . can invite numerous additional members" (PO Resp. Br. 9) is true, Patent Owner does not demonstrate sufficiently that claim 14, for example, requires this feature. We note that claim 14, for example, does not require that the plurality of other users are not permitted to "invite numerous additional members." (*Id.*)

Patent Owner argues that Neibauer discloses "scenario 2" in which "User A founds an unlisted club, and invites user B to join the unlisted club. User B accepts the invitation," which allegedly differs from the claim limitation of controlling a second interface in accordance with accessibility

rules established by the first user via the first web-based interface because "user A has no ability to prevent user B from inviting other users to the club." PO App. Br. 13. We disagree with Patent Owner for at least the reasons set forth by Requester. 3PR Resp. Br. 7. For example, claim 14 recites a second web-based interface controlled in accordance with the accessibility rules established by the first user. Claim 14 does not recite that the user must have the ability to prevent other users from inviting other users to the club. Therefore, we are not persuaded that Neibauer's alleged disclosure of user A having no ability to prevent user B from inviting other users, even if true, is relevant to whether Neibauer discloses (or suggests) the claimed invention.

Patent Owner provides similar arguments for claims 1 and 17 (PO App. Br. 14) and does not provide additional arguments in support of claims 3–9, 12, 13, 15, 18, 19, 21, 22, 27, and 28. The Examiner did not err in rejecting claims 1, 3–9, 12–15, 17–19, 21, 22, 27, and 28 as anticipated by Neibauer.

Obviousness Rejection based on Neibauer – Patent Owner's Appeal

Patent Owner argues that it would not have been obvious to one of ordinary skill in the art "for combining the Yahoo! Clubs and Yahoo! Briefcase systems [of Neibauer]" because such a combination "would frustrate the intended purpose and principle of operation" of both Yahoo! Briefcase and Yahoo! Clubs. PO App. Br. 15–17. Patent Owner also argues that it would not have been obvious to one of ordinary skill in the art to

modify Neibauer because of "Neibauer's utter lack of any suggestion to do so." PO App. Br. 19.

We are not persuaded by Patent Owner's arguments. For example, as the Examiner points out, Neibauer discloses that in the "Briefcase" embodiment, users are granted access to content and "[o]nly those persons will be able to download the files." RAN 29 (citing Neibauer 163). Claim 1 recites that the first user mutually consents with each of the plurality of users to share access to the content. It would have been obvious to one of ordinary skill in the art that if a first user grants access to content for other users, then the first user would have "consented" to the other users accessing the content. If not, then the first user would not have granted access to the other users in the first place. Similarly, it would have been obvious to one of ordinary skill in the art that if the other users that are granted access by the first user then access the content to which they have been granted access, as disclosed by Neibauer ("Briefcase" embodiment), then the other users would have "consented" to having access to the content. Otherwise, it would not have made logical sense for users not having consented to having access to the content to then access the content – a specific action to which the users did not consent. Given that both the first user and the other users consent to sharing access to the content, it would have been obvious to one of ordinary skill in the art that that the first user "mutually" consents with each of the other users to share access to the content because all parties have, in fact, consented.

The Examiner also points out that the "Clubs" embodiment of Neibauer further emphasizes that a first user mutually consenting with other

users to share access to content would have been obvious to one of ordinary skill in the art. The Examiner indicates that, in the "Clubs" embodiment of Neibauer, a first user "invites users to join its club." RAN 28. Patent Owner does not demonstrate sufficiently a difference between a first user inviting other users to join a club (i.e., "Clubs" embodiment) and a first user granting access to other users to download (or access) content ("Briefcase" embodiment, see discussion above). In both cases, a first user is granting access to content to another user. In the "Briefcase" embodiment, the first user and the other users, after having been granted access to content by the first user, each demonstrate "consent" to the access to the content by subsequently accessing the content. In the "Clubs" embodiment, the "mutual consent" to access to content is made explicit by providing that the other users may "click Yes! I Accept" to express consent. RAN 28 (citing Neibauer, 475).

As the Examiner indicates, it would have been obvious to one of ordinary skill in the art to have combined one known process (i.e., a process of granting access to content for other users where mutual consent is implied by actually accessing the content) with another known process (i.e., a similar process in which mutual consent is explicit by asking the other users who are granted access to the content to specify whether they actually accept access to the data) to achieve a predictable result of a system in which a first user grants access to content for other users where the users "mutually consent" to the access. See, e.g., RAN 29.

Patent Owner does not provide additional arguments in support of claims 16 or 17.

Claim 2 recites that the first web-based interface comprises a content management web site and the second web-based interface comprises a mobile web site accessible independently of the content management web site via one or more mobile device. Claims 23 and 26 recite similar features. Patent Owner argues Neibauer "describes Yahoo! Briefcase and Yahoo! Mobile as separate and distinct systems" and that "the Examiner has erred in failing to show any suggestion, motivation or rationale for combining these distinct systems." PO App. Br. 21. We disagree with Patent Owner for at least the reasons set forth by the Requester. 3PR Resp. Br. 13. For example, as Requester points out, "mobile devices and mobile web sites were known to those of ordinary skill in the art well before the filing date of the '801 patent" and the combination of known elements performing their known functions to achieve a predictable result would have been obvious to one of ordinary skill in the art. *Id.* Patent Owner does not refute this argument persuasively.

Patent Owner does not provide additional arguments in support of claims 3–9, 12, 13, 15, 18, 19, 21, 22, 24, 25, 27, and 28. The Examiner did not err in rejecting claims 1–9, 12, 13, 15–19, and 21–28 as obvious over Neibauer.

Remaining Rejections Based on Neibauer and Other References

Patent Owner does not provide additional arguments in support of claims 10, 11, 20, and 29–31, or additional arguments with respect to Douvikas or Club Invite. Therefore, for the above reasons, we are not persuaded the Examiner erred in rejecting claims 10, 11, 20, and 29–31.

Other Rejections

Affirmance of the rejection for the above-referenced claims based on Neibauer renders it unnecessary to reach the propriety of the Examiner's decision either to reject those claims on a different basis or not to adopt the rejection of those claims on a different basis. *Cf. In re Gleave*, 560 F.3d 1331, 1338 (Fed. Cir. 2009). As such, we need not reach the propriety of the rejection of those claims over Hill or Sutherland or the propriety of the non-adoption of the rejection of those claims (e.g., claim 14) over an alternate embodiment of Neibauer.

CONCLUSION

The Examiner erred in rejecting claims 1–13 and 15–31 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement but did not err in rejecting claims 1, 3–9, 12–15, 17–19, 21, 22, 27, and 28 under 35 U.S.C. § 102(b) as anticipated by Neibauer; claims 1–9, 12, 13, 15–19, and 21–28 under 35 U.S.C. § 103(a) as unpatentable over Neibauer; claims 20 and 29–31 under 35 U.S.C. § 103(a) as unpatentable over Neibauer and Douvikas; and claims 10 and 11 under 35 U.S.C. § 103(a) as unpatentable over Neibauer and Club Invite.

DECISION

We affirm the Examiner's rejection of claims 1–31 but we reverse the Examiner's rejection of claims 1–13 and 15–31 under 35 U.S.C. 112, first

paragraph, as failing to comply with the written description requirement. Requests for extensions of time in this *inter partes* reexamination proceeding are governed by 37 C.F.R. § 1.956. *See* 37 C.F.R. § 41.79.

In the event neither party files a request for rehearing within the time provided in 37 C.F.R. § 41.79, and this decision becomes final and appealable under 37 C.F.R. § 41.81, a party seeking judicial review must timely serve notice on the Director of the United States Patent and Trademark Office. *See* 37 C.F.R. §§ 90.1 and 1.983.

AFFIRMED

alw

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UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

NOTICE OF ENTRY OF JUDGMENT WITHOUT OPINION

JUDGMENT ENTERED: 10/09/2015

The judgment of the court in your case was entered today pursuant to Rule 36. This Court affirmed the judgment or decision that was appealed. None of the relief sought in the appeal was granted. No opinion accompanied the judgment. The mandate will be issued in due course.

Information is also provided about petitions for rehearing and suggestions for rehearing en banc. The questions and answers are those frequently asked and answered by the Clerk's Office.

Costs are taxed against the appellant in favor of the appellee under Rule 39. The party entitled to costs is provided a bill of costs form and an instruction sheet with this notice.

The parties are encouraged to stipulate to the costs. A bill of costs will be presumed correct in the absence of a timely filed objection.

Costs are payable to the party awarded costs. If costs are awarded to the government, they should be paid to the Treasurer of the United States. Where costs are awarded against the government, payment should be made to the person(s) designated under the governing statutes, the court's orders, and the parties' written settlement agreements. In cases between private parties, payment should be made to counsel for the party awarded costs or, if the party is not represented by counsel, to the party pro se. Payment of costs should not be sent to the court. Costs should be paid promptly.

If the court also imposed monetary sanctions, they are payable to the opposing party unless the court's opinion provides otherwise. Sanctions should be paid in the same way as costs.

Regarding exhibits and visual aids: Your attention is directed to FRAP 34(g) which states that the clerk may destroy or dispose of the exhibits if counsel does not reclaim them within a reasonable time after the clerk gives notice to remove them. (The clerk deems a reasonable time to be 15 days from the date the final mandate is issued.)

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court

cc: Heidi Lyn Keefe
Joseph Bernard Ryan
Elizabeth L. Stameshkin
Mark R. Weinstein

15-1299 - Wireless Ink Corporation v. Facebook, Inc.
United States Patent and Trademark Office, Case No. 95/001,989

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

WIRELESS INK CORPORATION,
Appellant

v.

FACEBOOK, INC.,
Appellee

2015-1299

Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board, in No. 95/001,989.

JUDGMENT

JOSEPH BERNARD RYAN, Ryan, Mason & Lewis, LLP, Melville, NY, argued for appellant. Also represented by PATRICK GREGORY MURRAY.

HEIDI LYN KEEFE, Cooley LLP, Palo Alto, CA, argued for appellee. Also represented by ELIZABETH L. STAMESHKIN, MARK R. WEINSTEIN.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (REYNA, MAYER, and CHEN, *Circuit Judges*).

AFFIRMED. *See* Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

October 9, 2015
Date

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

Questions and Answers

Petitions for Panel Rehearing (Fed. Cir. R. 40)
and
Petitions for Hearing or Rehearing En Banc (Fed. Cir. R. 35)

Q. When is a petition for panel rehearing appropriate?

A. Petitions for panel rehearing are rarely considered meritorious. Consequently, it is easiest to first answer when a petition for panel rehearing is not appropriate. A petition for panel rehearing should not be used to reargue issues already briefed and orally argued. If a party failed to persuade the court on an issue in the first instance, they do not get a second chance. This is especially so when the court has entered a judgment of affirmance without opinion under Fed. Cir. R. 36, as a disposition of this nature is used only when the appellant/petitioner has utterly failed to raise any issues in the appeal that require an opinion to be written in support of the court's judgment of affirmance.

Thus, as a usual prerequisite, the court must have filed an opinion in support of its judgment for a petition for panel rehearing to be appropriate. Counsel seeking panel rehearing must be able to identify in the court's opinion a material error of fact or law, the correction of which would require a different judgment on appeal.

Q. When is a petition for rehearing en banc appropriate?

A. En banc decisions are extraordinary occurrences. To properly answer the question, one must first understand the responsibility of a three-judge merits panel of the court. The panel is charged with deciding individual appeals according to the law of the circuit as established in the court's precedential opinions. While each merits panel is empowered to enter precedential opinions, the ultimate duty of the court en banc is to set forth the law of the Federal Circuit, which merits panels are obliged to follow.

Thus, as a usual prerequisite, a merits panel of the court must have entered a precedential opinion in support of its judgment for a petition for rehearing en banc to be appropriate. In addition, the party seeking rehearing en banc must show that either the merits panel has failed to follow decisions of the Supreme Court of the United States or Federal Circuit precedential opinions, or that the merits panel has followed circuit precedent, which the party seeks to have overruled by the court en banc.

Q. How frequently are petitions for panel rehearing granted by merits panels or petitions for rehearing en banc granted by the court?

A. The data regarding petitions for panel rehearing since 1982 shows that merits panels granted some relief in only three percent of the petitions filed. The relief granted usually involved only minor corrections of factual misstatements, rarely resulting in a change of outcome in the decision.

En banc petitions have been granted less frequently. Historically, the court has initiated en banc review in a few of the appeals decided en banc since 1982.

Q. Is it necessary to have filed either of these petitions before filing a petition for certiorari in the U. S. Supreme Court?

A. No. All that is needed is a final judgment of the Court of Appeals.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

INFORMATION SHEET

FILING A PETITION FOR A WRIT OF CERTIORARI

There is no automatic right of appeal to the Supreme Court of the United States from judgments of the Federal Circuit. You must file a petition for a writ of certiorari which the Supreme Court will grant only when there are compelling reasons. (See Rule 10 of the Rules of the Supreme Court of the United States, hereinafter called Rules.)

Time. The petition must be filed in the Supreme Court of the United States within 90 days of the entry of judgment in this Court or within 90 days of the denial of a timely petition for rehearing. The judgment is entered on the day the Federal Circuit issues a final decision in your case. [The time does not run from the issuance of the mandate, which has no effect on the right to petition.] (See Rule 13 of the Rules.)

Fees. Either the $300 docketing fee or a motion for leave to proceed in forma pauperis with an affidavit in support thereof must accompany the petition. (See Rules 38 and 39.)

Authorized Filer. The petition must be filed by a member of the bar of the Supreme Court of the United States or by the petitioner representing himself or herself.

Format of a Petition. The Rules are very specific about the order of the required information and should be consulted before you start drafting your petition. (See Rule 14.) Rules 33 and 34 should be consulted regarding type size and font, paper size, paper weight, margins, page limits, cover, etc.

Number of Copies. Forty copies of a petition must be filed unless the petitioner is proceeding in forma pauperis, in which case an original and ten copies of the petition for writ of certiorari and of the motion for leave to proceed in forma pauperis. (See Rule 12.)

Where to File. You must file your documents at the Supreme Court.

Clerk
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543
(202) 479-3000

No documents are filed at the Federal Circuit and the Federal Circuit provides no information to the Supreme Court unless the Supreme Court asks for the information.

Access to the Rules. The current rules can be found in Title 28 of the United States Code Annotated and other legal publications available in many public libraries.

Revised December 16, 1999

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

15-1299

WIRELESS INK CORPORATION,
Appellant

v.

FACEBOOK, INC.,
Appellee

Appeal from the United States Patent and Trademark Office in case no. 95/001,989

MANDATE

In accordance with the judgment of this Court, entered October 09, 2015, and pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure, the formal mandate is hereby issued.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court