

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,  
Petitioner,

v.

BLACKBERRY LTD.,  
Patent Owner.

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Cases IPR2017-00911 and IPR2017-00912  
Patent 8,745,149 B2

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Record of Oral Hearing  
Held: May 30, 2018

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Before SALLY C. MEDLEY, ROBERT J. WEINSCHENK, and  
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

Cases IPR2017-00911 and IPR2017-00912  
Patent 8,745,149 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

NAVEEN MODI, ESQUIRE  
PHILLIP W. CITROEN, ESQUIRE  
JOSEPH E. PALYS, ESQUIRE  
Paul Hastings, LLP  
875 15th St NW #10  
Washington, DC 20005  
202-551-1990

ON BEHALF OF THE PATENT OWNER:

CHING-LEE FUKUDA, ESQUIRE  
Sidley Austin, LLP  
787 Seventh Avenue  
New York, New York 10019  
212-839-7364

and

SAMUEL A. DILLON, ESQUIRE  
SHARON LEE, ESQUIRE  
Sidley Austin, LLP  
1501 K Street N.W.  
Washington, D.C. 20005  
202-736-8298

The above-entitled matter came on for hearing on Wednesday,  
May 30, 2018, commencing at 1:00 p.m., at the U.S. Patent and Trademark  
Office, 600 Dulany Street, Alexandria, Virginia.

1 PROCEEDINGS

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3 MR. DILL: All rise.

4 JUDGE WEINSCHENK: Be seated. All right. Good afternoon,  
5 everyone. This is a hearing for IPR2017-00911 and -00912, Google LLC v.  
6 BlackBerry Limited. Now, let's start with appearances. Who do we have  
7 here for Petitioner?

8 MR. MODI: Good afternoon, Your Honors. Naveen Modi from Paul  
9 Hastings, on behalf of Petitioner Google; with me I have my colleagues  
10 Phillip Citroen, and Joe Palys.

11 JUDGE WEINSCHENK: All right. Thank you, Mr. Modi.

12 MR. MODI: Thank you.

13 JUDGE WEINSCHENK: And who do we have here for Patent  
14 Owner?

15 MS. FUKUDA: Good afternoon, Your Honors. Ching-Lee Fukuda,  
16 with Sidley Austin, representing the Patent Owner, BlackBerry, and with me  
17 are my colleagues Sam Dillon and Sharon Lee.

18 JUDGE WEINSCHENK: All right. Thank you, Ms. Fukuda. As you  
19 know from our order, each side will have 60 minutes to present their case.  
20 We'll start with the Petitioner, and then follow up with Patent Owner. And  
21 Petitioner, before you begin, just let us know how much time you would like  
22 to reserve for rebuttal.

23 I know that we do have two more hearings after these two today, so  
24 we'll take a 15-minute break after these hearings are concluded.

1           And just one more reminder for everyone, please refer to your  
2 demonstrative slide numbers, so that the Court Reporter can keep that  
3 accurate. Mr. Modi, you can begin when you're ready.

4           MR. MODI: Good afternoon again, Your Honors. May I save 20  
5 minutes for rebuttal, please? May it please the Board? Based on the  
6 petitions and supporting evidence the Board instituted a review of all claims  
7 of the '149 patent. The record now includes even more evidence than  
8 before, and that supports the Board's institution decisions. So we now  
9 request that the Board issue a final decision -- decisions cancelling all the  
10 claims. Let me explain why.

11           Your Honor, I actually do have a copy, a hard copy of the slides,  
12 would you like a copy that I can hand out?

13           JUDGE WEINSCHENK: Sure.

14           MR. PALYS: May I approach?

15           JUDGE WEINSCHENK: Yes. Thank you.

16           MR. MODI: So, if you could go to slide 2, please? So, slide 2, shows  
17 you the grounds that have been instituted for the '911 IPR proceeding. If  
18 you can go to slide 3? Again, I know the Board is already aware of the  
19 grounds, but slide 3 shows the grounds that are at issue in the '912 IPR  
20 proceeding.

21           I know we have lots of grounds here, but the issues have been distilled  
22 down to a few issues, some of which I'll address today. I'm of course happy  
23 to answer any questions you all may have, that you would like me to  
24 address.

25           So, with that, if I could go to slide 4, please? So, if you look at slide  
26 4, this shows you one of the claims, it's actually the independent claim 1. As

1 the Board is aware there are actually 17 claims at issue in this case. Patent  
2 Owner does not make any specific arguments with respect to any of the  
3 dependent claims, and even when it comes to the independent claims it does  
4 not really distinguish one independent claim from the other, so for purposes  
5 of today, I plan to focus on independent claim 1.

6 And if you look at claim 1, it recites a method of displaying an instant  
7 messaging conversation, and the method includes the number of steps  
8 including displaying a conversation of instant messages, displaying a first-  
9 time information for an instant message in the conversation in response to a  
10 first input. And then finally, it recites automatically changing the first-time  
11 information for the instant message to second-time information as time  
12 progresses, and displaying the second-time information instead of the first-  
13 time information.

14 Again, I know the Board has read all of the issues really surround --  
15 around the last limitation, so that's what I plan to focus on today. Again, I'm  
16 happy to address any questions the Board may have.

17 So, if you look at -- if you go to slide 5, please? Slide 5 lists the claim  
18 construction issues that are before the Board. Let me start with the easiest  
19 one, which is the last issue on the slide, the first input. There actually does  
20 not appear to be a dispute with respect to this limitation, so, again, unless the  
21 Board has any questions I do not plan to address that limitation today.

22 And as for the "automatically" limitation, there are two issues. One is  
23 what does "automatically" mean? Does it -- should it be interpreted to  
24 preclude the manual initiation of prior operations, as the Board held in its  
25 institution decision? Or does it mean something else? And does  
26 automatically modify displaying, that's the second issue.

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