

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

BLACKBERRY LTD.,
Patent Owner.

Case IPR2017-00913
Patent 8,402,384 B2

PETITIONER'S REPLY

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TABLE OF AUTHORITIES

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Cases

Allied Erecting and Dismantling Co., Inc. v. Genesis Attachments, LLC,
825 F. 3d 1373 (Fed. Cir. 2016)26

In re Fulton,
391 F.3d 1195 (Fed. Cir. 2004)16

LIST OF EXHIBITS

- 1001 U.S. Patent No. 8,402,384
- 1002 Declaration of Dr. Dan R. Olsen Jr.
- 1003 Curriculum Vitae of Dr. Dan R. Olsen Jr.
- 1004 Prosecution History of U.S. Patent No. 8,402,384
- 1005 U.S. Patent Application Publication No. 2002/0186257 (“*Cadiz*”)
- 1006 U.S. Patent Publication No. 2004/0075701 (“*Ng*”)
- 1007 RESERVED
- 1008 U.S. Patent Publication No. 2005/0198584 (“*Matthews*”)
- 1009 U.S. Patent No. 6,333,973 (“*Smith*”)
- 1010 European Patent Application No. EP1265157 (“*Cadiz-EP*”)
- 1011 Prosecution History of European Patent Application No. 06125884.4
- 1012 Caroline Rose *et al.*, “Inside Macintosh Volume 1” (1985)
- 1013 “Macintosh Human Interface Guidelines,” Apple Computer, Inc. (1995)
- 1014 RESERVED
- 1015 RESERVED
- 1016 RESERVED
- 1017 RESERVED
- 1018 Deposition Transcript of Dr. George T. Ligler (March 13, 2018)

I. INTRODUCTION

Petitioner replies to Patent Owner's (PO) Response (Paper 17, "Resp.") and the Board's decision to institute IPR (Paper 7, "Dec.") of the '384 patent. PO's arguments should be rejected and claims 1-13 of the '384 patent found unpatentable for at least the reasons set forth in the Petition (Paper 1, "Pet.") and accompanying exhibits, and the additional reasons provided below.

II. CLAIM CONSTRUCTION

PO argues that "a selectable link embedded in the additional dynamic preview information," as recited in claim 1, requires (i) "the 'additional dynamic preview information' to be preview information that is dynamic" and (ii) "the 'selectable link' to include such dynamic preview information." (Resp., 11 (emphasis omitted).) As it did in its Institution Decision (Dec., 7-12), the Board should reject PO's construction because it is inconsistent with the intrinsic evidence, and cannot be reconciled with the testimony of PO's expert. Moreover, PO's construction is irrelevant because the Petition demonstrates that this limitation would have been obvious even under PO's construction.

A. **The "Selectable Link" Is "Embedded" in the "Additional Dynamic Preview Information," Which Can Include Information That Is Not Dynamic**

Given the claim language, there is no dispute that "additional dynamic preview information" includes dynamic information. The only dispute is whether "additional dynamic preview information" can also include other types of

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