

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

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

MARSCHALL, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

Google Inc. (“Petitioner”) filed a Petition for *inter partes* review of claims 1–13 of U.S. Patent No. 8,402,384 B2 (Ex. 1001, “the ’384 patent”). Paper 1 (“Pet.”), 2. Blackberry Ltd. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). Upon consideration of the Petition and Preliminary Response, we instituted an *inter partes* review pursuant to 35 U.S.C. § 314, as to claims 1–13 of the ’384 patent. Paper 7 (“Dec.”).

Subsequent to institution, Patent Owner filed a Patent Owner Response (Paper 17, “PO Resp.”), Petitioner filed a Reply to Patent Owner’s Response (Paper 20, “Reply”), and Patent Owner filed a Sur-Reply (Paper 27, “Sur-Reply”).¹ On May 30, 2018, we held an oral hearing. Paper 30 (“Tr.”).²

This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a). For the reasons that follow, we determine that Petitioner has demonstrated by a preponderance of the evidence that claims 1–13 of the ’384 patent are unpatentable.

A. Related Matters

The parties state that the ’384 patent is the subject of a court proceeding, *BlackBerry Limited v. BLU Products, Inc.*, Case No. 16-23535 (S.D. Fla.). Pet. 1; Paper 4, 1. Petitioner filed a Petition for *inter partes* review of claims 1–26 of U.S. Patent No. 8,713,466 B2, which is a continuation of the ’384 patent. *See id.*; IPR2017-00914, Paper 1, 2.

¹ We granted Patent Owner’s request for authorization to file the Sur-Reply in an Order dated April 24, 2018. Paper 22.

² The oral hearing included a related proceeding, IPR2017-00914. Paper 26.

B. The '384 Patent

The '384 patent is directed to a graphical user interface including a dynamic bar for displaying preview information on a main screen of the graphical user interface. Ex. 1001, Abstract. Each dynamic bar is associated with respective one or more interfaces for applications and/or functions provided by the apparatus. *Id.* Each dynamic bar has a pop-up interface for providing a preview information determined from information managed by applications and/or functions and links to invoke respective interfaces. *Id.* Figures 5 and 6 are reproduced below.

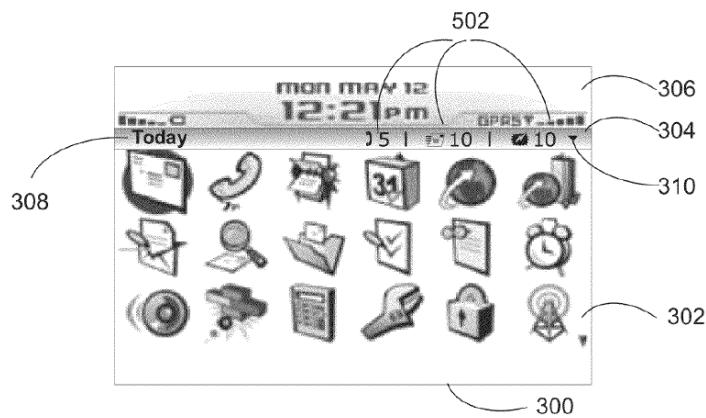


FIG. 5

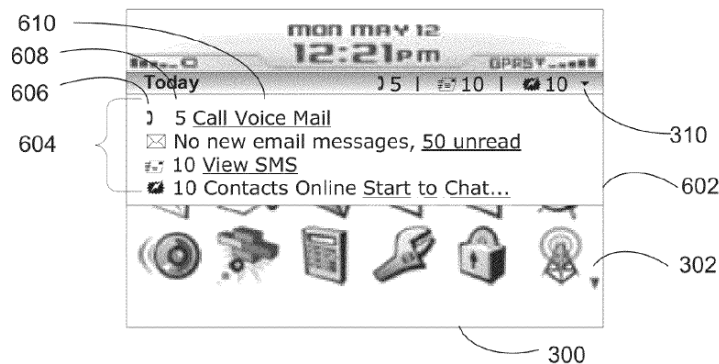


FIG. 6

Figures 5 and 6 illustrate main screen 300 with dynamic bar 304 and expansion pop-up interface 602. *Id.* at 7:43–46, 60. Dynamic bar 304

includes counts of new events 502 (e.g., new voice mail messages, email messages, SMS messages or contacts online with which to chat). *Id.* at 7:46–49. Expansion pop-up 602 lists particular services 604 associated with dynamic bar 304, such as voice mail, email, SMS and chat, including an iconic representation of service 606 and preview information. *Id.* at 7:60–64. Preview information includes count 608 and a link 610 to invoke the associated application user interface for the service. *Id.* at 7:64–66. According to the '384 patent, “[p]review information may thus comprise information maintained by the associated applications and/or functions as well as information determined from this managed information[.]” *Id.* at 7:66–8:2.

C. Illustrative Claim

Petitioner challenges all 13 claims of the '384 patent. Claim 1 is the only independent claim and appears below.

1. A method for controlling an apparatus comprising a display, the method comprising:
 - displaying a dynamic bar on the display;
 - displaying dynamic preview information in the dynamic bar, the dynamic preview information being determined from information managed by a software application, the dynamic preview information being updated to reflect a change to the information managed by the software application;
 - expanding the dynamic bar to display an expanded dynamic bar in response to a first input from an input device, displaying the expanded dynamic bar comprising:
 - displaying additional dynamic preview information determined from the information managed by the software application, the additional dynamic preview information being different from the dynamic preview information displayed in the dynamic bar, and the additional dynamic preview information

being updated to reflect the same or different change to the information managed by the software application;
displaying a selectable link embedded in the additional dynamic preview information to invoke the software application; and
activating the software application in response to a second input invoking the link.

Ex. 1001, 11:31–12:8.

D. Instituted Grounds of Unpatentability

We instituted trial based on all asserted grounds of unpatentability as follows (Dec. 29):

Ground	References	Basis	Claims Challenged
1	Cadiz ³	§ 103(a) ⁴	1, 4–7, and 10–13
2	Cadiz and Ng ⁵	§ 103(a)	2 and 3
3	Cadiz and Matthews ⁶	§ 103(a)	8
4	Cadiz and Smith ⁷	§ 103(a)	9

³ U.S. Patent App. Pub. No. 2002/0186257 A1, filed June 8, 2001, published Dec. 12, 2002 (Ex. 1005) (“Cadiz”).

⁴ The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), amended 35 U.S.C. § 103. Because the ’384 patent has an effective filing date before the effective date of the applicable AIA amendment, we refer to the pre-AIA version of 35 U.S.C. § 103.

⁵ U.S. Patent App. Pub. No. 2004/0075701 A1, filed Oct. 16, 2002, published Apr. 22, 2004 (Ex. 1006) (“Ng”).

⁶ U.S. Patent App. Pub. No. 2005/0198584 A1, filed Jan. 27, 2004, published Sept. 8, 2005 (Ex. 1008) (“Matthews”).

⁷ U.S. Patent No. 6,333,973 B1, filed Apr. 23, 1997, issued Dec. 25, 2001 (Ex. 1009) (“Smith”).

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