

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

BLACKBERRY LTD.
Patent Owner.

Case No. IPR2017-01619
Patent No. 8,489,868 B2

PATENT OWNER'S NOTICE OF CROSS-APPEAL

Pursuant to 35 U.S.C. §§ 141, 142, and 319, and in accordance with 37 C.F.R. §§ 90.2-3, Patent Owner BlackBerry Ltd. (“BlackBerry”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) entered on December 19, 2018 (Paper No. 31) (“Final Written Decision”), and from all underlying findings, determinations, rulings, opinions, orders, and decisions regarding the *inter partes* review of U.S. Patent No. 8,489,868 (“’868 Patent”). A copy of the Final Written Decision is attached. This notice of cross-appeal is timely because it was filed within 14 days after the date on which Petitioner Google LLC’s February 20, 2019 Notice of Appeal (Paper 32) was filed. *See* 37 C.F.R. § 90.3(a)(1); Fed. R. App. P. 4(a)(3).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), BlackBerry states that the issues on cross-appeal include, but are not limited to: the Board’s determination that claims 1, 13, 76, 78, 81, 84, 85, 87, 88, 90–93, 95, 98, 100, 104, 108, 113, 137–39, and 142–44 of the ’868 patent have been shown to be unpatentable as obvious by Garst and Gong; the Board’s determination that claim 83 of the ’868 patent has been shown to be unpatentable as obvious by Garst, Gong, and Chang; the Board’s determination that claim 89 of the ’868 patent has been shown to be unpatentable as obvious by Garst, Gong, and Wong-Insley; the Board’s determination that claim 94 of the ’868 patent has been shown to be unpatentable as obvious by Garst, Gong, and Haddock; the Board’s construction of the claims; the Board’s consideration of expert testimony, prior art, and other evidence in the record, and the Board’s factual

findings, conclusions of law, or other determinations supporting or related to those issues, as well as other issues decided adversely to BlackBerry in any orders, decisions, rulings and opinions; and the constitutionality of this *inter partes* review proceeding.

This Notice of Cross-Appeal is being e-filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit, along with payment of the required docketing fees. In addition, copies of this Notice of Cross-Appeal are being filed simultaneously with the Patent Trial and Appeal Board.

Dated: March 5, 2019

Respectfully Submitted,

/s/Ching-Lee Fukuda

Ching-Lee Fukuda

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Attorney for Patent Owner

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CERTIFICATE OF FILING

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's E2E System, a copy of this Patent Owner's Notice of Cross-Appeal was filed by overnight express delivery on March 5, 2019 with the Director of the United States Patent and Trademark office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20 600 Dulany Street
Alexandria, VA 22314-5793

I hereby certify that a copy of this Notice of Cross-Appeal was filed electronically through the United States Court of Appeals for the Federal Circuit's CM/ECF system on March 5, 2019. In addition, pursuant to Fed. Cir. R. 15, a paper copy of this Notice of Appeal was sent to the United States Court of Appeals for the Federal Circuit's clerk of court, at the following address:

Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place N.W.
Washington, D.C. 20439

Dated: March 5, 2019

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I further certify that a true and correct copy of this Notice of Cross-Appeal was served, by electronic mail, on March 5, 2019 upon the following:

Naveen Modi
Joseph E. Palys
Phillip W. Citroën
John S. Holley
PH-Google-BB-IPR@paulhastings.com

Dated: March 5, 2019

Respectfully Submitted,

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