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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Case No. IPR 2017-01620
U.S. Patent No. 8,489,868

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PATENT OWNER'S SUR-REPLY

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

EXHIBIT LIST

No.	Exhibit Description
2001	Declaration of Sharon Lee In Support of Patent Owner BlackBerry Ltd.'s Motion for *Pro Hac Vice* Admission
2002	Declaration of Dr. George Ligler
2003	CV of Dr. George Ligler
2004	Deposition Transcript of Dr. Patrick D. McDaniel (Feb. 21, 2018)
2005	Webster's NewWorld Dictionary (1984)
2006	PTAB Conference Call Transcript (Aug. 9, 2018)

I.   Introduction

Petitioner's Reply (Paper 19, "Reply") presents new arguments and eight new exhibits (Ex. 1038-45) in an attempt to cure the Petition's deficiency in showing that Gong was publicly available before the '868 patent's priority date. Such new arguments and evidence are improper and should not be considered.

II.   Petitioner's "Additional Evidence" Arguments Are Improper

A.   Petitioner's "Additional Evidence" Arguments Are Not Responsive to Patent Owner's Argument that the Petition's Evidence Is Insufficient to Show the Public Accessibility of Gong

In an attempt to show the public accessibility of Gong, the Petition relied on (i) Gong's copyright date (Ex. 1016, iv), (ii) a MARC record from North Carolina State University ("NCSU") (Ex. 1033) and exhibits that purportedly explain what various MARC fields represent (Exs. 1034-36), and (iii) a copy of Gong with a Library of Congress ("LOC") Copyright Office stamp (Ex. 1037, v). Paper 1 ("Pet."), 4. Patent Owner's Response explained that this showing is deficient because (i) the Board has held copyright notices are insufficient to show public accessibility, (ii) the MARC fields the Petition relied on do not establish when Gong was publicly accessible at NCSU, and (iii) there is no evidence that the LOC's date stamp indicates when Gong was publicly accessible. Paper 16 ("POR"), 58-63; *see also* Paper 9, 20-21 (Board noting Petitioner's evidence "does not include a specific date that Gong was indexed or cataloged at either library").

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