

Reply Declaration of Sandeep Chatterjee, Ph.D.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC., INSTAGRAM, LLC, and WHATSAPP INC.,
Petitioners

v.

BLACKBERRY LIMITED
Patent Owner

IPR2019-00516
IPR2019-00528
U.S. Patent No. 8,279,173 B2

**DECLARATION OF SANDEEP CHATTERJEE, PH.D.
IN RESPONSE TO PATENT OWNER'S CONDITIONAL
MOTION TO AMEND UNDER 37 C.F.R. § 42.121**

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Reply Declaration of Sandeep Chatterjee, Ph.D.

I, Sandeep Chatterjee, Ph.D., declare as follows:

1. I have been asked to review and respond to certain points raised in the “Patent Owner’s Conditional Motion to Amend,” which I understand was filed in both IPR2019-00516 and IPR2019-00528 (“Motion”). I understand that Patent Owner did not submit a declaration from its expert, Dr. Rajeev Surati, in support of this motion. I have nevertheless been asked to determine whether the proposed substitute claims identified in the Motion would have been non-obvious over the prior art. As I will explain below, in my opinion, the proposed substitute claims add limitations that are already disclosed by and rendered obvious by the prior art identified in IPR2019-00516 and IPR2019-00528.

I. THE NEW LIMITATIONS IN THE SUBSTITUTE CLAIMS ARE DISCLOSED BY THE PRIOR ART

2. Substitute claims 21-32 would replace claims 1, 2, 4, 6-7, 10, 12-16, 16, and 18, the challenged claims. The substitute claims introduce new limitations only with respect to independent claims 21, 25, and 29, which would replace original independent claims 1, 7, and 13, respectively. The remaining substitute dependent claims are unchanged from their corresponding original claim other than modifying the claim dependency. (Motion at 2.)

3. To summarize, the new limitations purport to introduce three features into the independent claims: (1) display of a photograph and user selection of a subject or object in the photograph; (2) display of a “vertical” tag list showing at

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least three tags from two tag sources; and (3) associating at least one of the tags in the list with the selected subject or object. As I will explain below, each of these features is disclosed by the prior art.

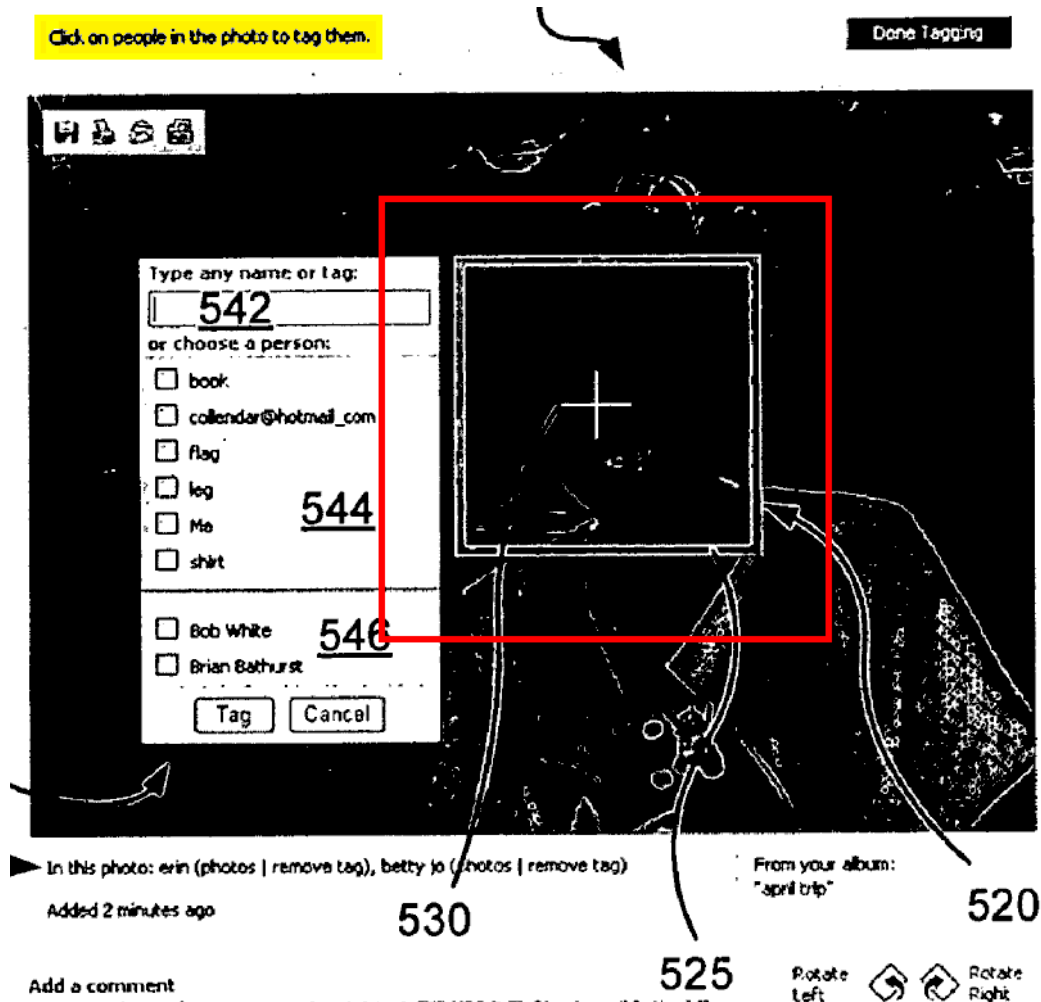
A. Zuckerberg discloses “displaying a photograph comprising at least one subject or object; receiving a user selection of a location in the photograph corresponding to the at least one subject or object” and “associating at least one of the tags in the tag list with the at least one subject or object.”

4. These claim limitations correspond to features (1) and (3) listed above.

As shown below, Zuckerberg discloses them.

1. Zuckerberg discloses “displaying a photograph comprising at least one subject or object; receiving a user selection of a location in the photograph corresponding to the at least one subject or object”

5. This feature is plainly disclosed by Zuckerberg. Figure 5 shows:



(Zuckerberg, Fig. 5 (partial figure; annotations added).) As shown highlighted in the screenshot above, the system instructs the user to “[c]lick on people in the photo to tag them.” (*Id.*) As shown in the red box, the user has selected a region **520** corresponding to an individual’s face. (*Id.*) Zuckerberg provides the following explanation of these features in the context of Figure 5:

FIG. 5 is an exemplary screen shot of a tag web page **500** illustrating various functions of the components of the exemplary tag component **340**. The region selection component **410** is configured to receive input from a user **101** (e.g., the media owner **101a**, the tagged user **101b**, and

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