UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SNAP INC.,
Petitioner

v.

BLACKBERRY LIMITED
Patent Owner

Case No. IPR2019-00714
Patent No. 8,825,084

REBUTTAL DECLARATION OF DR. SAMRAT BHATTACHARJEE

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A. The *Winkler-Altman* combination discloses the "determine at least one action spot" recited in claims 1 and 9 50

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1. Patent Owner improperly refers to different features in *Winkler* as distinct embodiments and ignores *Winkler* express statement that these features may be implemented in tandem.....51

2. The *Winkler-Altman* combination discloses a map element corresponding to a "a location where at least one mobile device has engaged in documenting action".....57

3. The Petition does not fail by neglecting to show that the *Winkler-Altman* combination discloses setting a "predetermined distance" before determining "the at least one action spot".....58

B. The Petition describes how to combine *Winkler* and *Altman* and why a POSITA would have been motivated to do so 70

C. The *Winkler-Altman* combination teaches "a graphical item identifying a direction, relative to the current location, in which to travel in order to arrive at the determined at least one action spot" as recited in claim 10 73

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I, Dr. Samrat Bhattacharjee, declare as follows:

I. INTRODUCTION

1. As I testified in my declaration signed February 22, 2019, which I understand has been labeled as Exhibit 1002 in this proceeding, I have been retained by Snap Inc. ("Petitioner") as an independent expert consultant in this proceeding before the United States Patent and Trademark Office ("PTO"). I previously provided testimony in this proceeding in my February 22, 2019 declaration. (*See* Ex. 1002). As with my previous work relating to this proceeding, no part of my compensation is contingent on the nature of my findings, the presentation of my findings in testimony, or the outcome of this or any other proceeding. I have no other interest in this proceeding. Relevant aspects of my qualifications were provided in my February 22, 2019 declaration. (*See id.* at ¶¶ 3-16; *see also* Ex. 1003 (curriculum vitae)).

2. On November 18, 2019, counsel for BlackBerry Limited ("Patent Owner") took my deposition based on my previous declaration.

3. I was told by Petitioner that, after I submitted my previous declaration, on November 27, 2019, Patent Owner filed a Response to the '084 petition. (Paper 13).

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4. I have been asked to provide my opinions on the patentability of the originally challenged claims 1-2, 5-6, 9-10, 12-13, and 15 ("the challenged claimed") of the '084 patent, in light of Patent Owner's Response. My opinions are set forth below.

II. MATERIALS REVIEWED

5. The opinions in this Declaration are based on the documents I reviewed, my knowledge and experience, and my professional judgment.

6. In forming my opinions expressed in this Declaration, I have reviewed the following materials:

- the '084 patent (Ex. 1001);
- Declaration of Dr. Samrat Bhattacharjee (Ex. 1002)
- U.S. Patent No. 8,750,906 to Winkler et al. ("*Winkler*") (Ex. 1004);
- U.S. Patent Application Publication 2008/0250337 A1 to Lemmela et al. ("*Lemmela*") (Ex. 1005);
- U.S. Patent Application Publication 2007/0281716 A1 to Altman et al. ("*Altman*") (Ex. 1006);
- the file history for the '084 patent (Ex. 1007);

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