

Filed on behalf of: Snap Inc.

By: Yar R. Chaikovsky (Snap-Blackberry-PH-IPR@paulhastings.com)
Chad Peterman (Snap-Blackberry-PH-IPR @paulhastings.com)
David Okano (Snap-Blackberry-PH-IPR@paulhastings.com)
Paul Hastings LLP

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
U.S. Patent No. 8,825,084

PETITIONER'S REPLY

TABLE OF CONTENTS

	Page
I. Introduction	1
II. The Board properly interpreted “action spot” in context of the full claim limitation	2
III. Ground 1: Response arguments rely on mischaracterization of <i>Winkler</i> and the Petition	8
A. Patent Owner mischaracterizes <i>Winkler</i> ’s disclosure as presenting distinct embodiments and ignores <i>Winkler</i> ’s teaching that features may be used in tandem	9
B. Patent Owner’s assertion that Petitioner does not explain how a single map element may comprise an action spot mischaracterizes of the Petition and relies on an incomplete understanding of <i>Winkler</i>	10
C. <i>Winkler</i> ’s method for dynamically modifying map elements teaches map elements that can be a claimed “action spot”	12
D. The Petition describes how and why a POSITA would have been motivated to combine <i>Winkler</i> and <i>Altman</i>	21
IV. Grounds 2-3: The Response relies on mischaracterizations of the references, Petition, and’084 patent	22
A. The Response imports limitations into the claimed “activity level” and <i>Lemmela</i> ’s disclosure.....	22
B. Patent Owner imports new limitations into the claimed “graphical item identifying a direction” and creates distinctions unsupported by the ’084 patent or instituted grounds.....	24
C. Patent Owner’s assertion that <i>Lemmela</i> does not disclose a server “configured to receive data indicative of a current location of a first mobile device” mischaracterizes the instituted grounds	27
D. A POSITA would have been motivated to combine <i>Lemmela</i> and <i>Crowley</i> (ground 2) and <i>Lemmela</i> , <i>Crowley</i> , and <i>Winkler</i> (ground 3).....	30
V. Conclusion	30

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Argentum Pharm. LLC v. Research Corp. Technologies, Inc.</i> , IPR2016-00204, 2017 WL 1096590 (PTAB March 22, 2017)	12, 27
<i>CSR, PLC v. Skullcandy, Inc.</i> , 594 F. App'x 672 (Fed. Cir. 2014)	9
<i>Gen. Elec. Co. v. United Techs. Corp.</i> , IPR2016-01287, 2017 WL 6731569 (PTAB Dec. 29, 2017)	12
<i>In re Magnum Oil Tools</i> , 829 F.3d 1364 (Fed. Cir. 2016)	13
<i>Intellectual Ventures II LLC v. Ericsson Inc.</i> , 685 F. Appx. 913 (Fed. Cir. 2017)	13, 23, 29
<i>Intelligent Bio-Systems, Inc. v. Illumina Cambridge, Ltd.</i> , 821 F.3d 1359 (Fed. Cir. 2016)	13
<i>SAS Inst., Inc. v. ComplementSoft, LLC</i> , 825 F.3d 1341 (Fed. Cir. 2016)	6

LIST OF EXHIBITS

No.	Description
1001	U.S. Patent No. 8,825,084
1002	Declaration of Dr. Samrat Bhattacharjee
1003	CV of Dr. Samrat Bhattacharjee
1004	U.S. Patent No. 8,750,906 (“Winkler”)
1005	U.S. Patent Application Publication 2008/0250337 (“Lemmela”)
1006	U.S. Patent Application Publication 2007/0281716 (“Altman”)
1007	File History of U.S. Patent No. 8,825,084
1008	U.S. Patent No. 7,593,740 (“Crowley”)
1009	Complaint for Patent Infringement, Case No. 2:18-cv-02693, CD CA
1010	Declaration of Chad J. Peterman
1011	Rebuttal Declaration of Dr. Samrat Bhattacharjee
1012	Final Ruling On Defendant Snap Inc.’s Motion For Summary Judgment Of Invalidity Under Section 101 Of U.S. Patent Nos. 8,825,084 And 8,326,327, <i>Blackberry Limited v. Snap Inc.</i> , Case Nos. CV 18-1844-GW & 18-2693-GW (C.D. Cal. October 1, 2019)
1013	Transcript of Deposition of Patrick McDaniel, IPR2019-00714 and IPR2019-00715 (March 6, 2020)
1014	Joint Claim Construction and Prehearing Statement, <i>Blackberry Limited v. Snap Inc.</i> , Case Nos. CV 18-1844-GW & 18-2693-GW (C.D. Cal. February 14, 2019)

I. Introduction

Patent Owner's Response attempts to import unsupported limitations into the challenged claims and mischaracterizes the prior art's teachings, both which highlight the weakness of Patent Owner's substantive positions.

First, Patent Owner attempts to import a temporal limitation from a claim term in isolation to the full limitation recited the term as a whole, which is inconsistent with the District Court's express interpretation of the limitation. In particular, Patent Owner seeks to carve out "action spots" in the prior art from the scope of the claims because they purportedly do not reflect recent mobile device activity that "is occurring," Resp., 15-21. But this arbitrary and undisclosed line between recent and historical activity ignores that the claim recites "*determin[ing]*"¹ of at least one action spot"—not an "action spot" in isolation—contradicts the plain language of the claims, the specification, and the District Court's interpretation of the claims. Ex. 1012, 40-43.

Second, the Response presents an inaccurate understanding of the instituted grounds, as Patent Owner's arguments contradict *Winkler*'s and *Lemmela*'s express disclosures. For example, Patent Owner contends the Petition relies on "distinct embodiments" in *Winkler*, despite express teaching the cited features may be used

¹ Unless noted, all emphases are added.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.