Filed on behalf of: Snap Inc.

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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

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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
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1013	Transcript of Deposition of Patrick McDaniel, IPR2019-00714 and IPR2019-00715 (March 6, 2020)
1014	Joint Claim Construction and Prehearing Statement, *Blackberry Limited v. Snap Inc.*, 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 plan 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

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[1] Unless noted, all emphases are added.

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