

Patent Owner's Oral Hearing Demonstratives

Snap, Inc. (Petitioner)  
v.  
BlackBerry Limited (Patent Owner)

Case Nos. IPR2019-00714 & IPR2019-00715  
U.S. Patent Nos. 8,825,084 & 8,326,327

Before Hon. Michael R. Zecher, Miriam L. Quinn, and Aaron W. Moore

FISH

# Table Of Contents

---

- Claim Construction \_\_\_\_\_ 3
  - “determine” at least one “action spot” \_\_\_\_\_ 4
- Prior Art Deficiencies
  - *Lemmela* Grounds \_\_\_\_\_ 11
  - *Winkler* Grounds \_\_\_\_\_ 20
- Motion to Amend: Substitute Claim 21 \_\_\_\_\_ 30

## Claim Construction

**“determine” at least one “action spot”  
(all independent claims)**

# Parties' Competing Proposals

## Representative Claim Language:

**“determine at least one action spot within a predetermined distance from the current location of the first mobile device, the at least one action spot corresponding to a location where at least one second mobile device has engaged in at least one documenting action”**

(EX-1001 (IPR2019-00714) ('084 Patent), 19:33-37 (Claim 1))  
(cited by Paper 1 (IPR2019-00714) ('084 Patent), p. 17)

<u>Party</u>	<u>Meaning</u>
<b>Petitioner</b>	“determin[ing] at least one action spot’ ... is a determination of <u>past tense activity</u> —one ‘correspond[ing] to a location where at least one other mobile device <u>has engaged</u> in a documenting action within a predetermined period of time” (Paper 22 (IPR2019-00714) (Reply), p. 3)
<b>BlackBerry</b>	The term “action spot” is defined as “a location or an event where at least one activity <u>is occurring</u> relative to the current location of another mobile device.” ↳ “the claims require that the system must ‘determine’ an ‘action spot,’ which refers to a determination that activity ‘ <u>is occurring</u> ’ at a location or an event.” (Paper 13 (IPR2019-00714) (POR), pp. 15 and 18)
<b>FISH</b>	<u>Evidence</u> : “the claimed determination can rely on input data related to documenting action that ‘has occurred’ recently on other mobile devices at a location, but the claimed determination of an ‘action spot’ is an <u>output</u> which is not the same as its <u>input data</u> .” (EX-2003 (IPR2019-00714) (Dr. McDaniel 2 <sup>nd</sup> Dec.), ¶¶40-41)

# BlackBerry's Position: Consistent With Lexicography

mobile device. The term “action spot” refers to a location or an event where at least one activity is occurring relative to the current location of another mobile device.

(EX-1001 (IPR2019-00714) ('084 Patent), 3:3-5)  
(cited by Paper 13, (IPR2019-00714) (POR), pp. 1, 3, 5, 12)

38. Based upon my analysis of the '084 patent specification as a whole and my experience in this field, it is clear that a POSITA would have recognized the text set forth at col. 3:3-5 of the '084 patent provides a straightforward definition of the term “action spot,” and is not merely a description of an optional requirement or a preferred embodiment. First, the passage at col. 3:3-5 expressly states that this meaning (i.e., “a location or an event where at least one activity is occurring relative to the current location of another mobile device”) is what “[t]he term ‘action spot’ refers to.” EX1001, 3:3-5. This is a direct statement that would have left no reasonable question in the mind of a POSITA as to what is being “refer[red] to” by the quoted term “action spot.” Second, this definition of “action spot” arises in the context of introductory paragraphs providing a set of “[s]everal definitions” (spanning col. 2:32 – 3:5) to lexicographically define several frequently used terms in the patent. *Id.*, 2:32-3:5 (“The term ‘communicatively

(EX-2003 (IPR2019-00714) (Dr. McDaniel 2<sup>nd</sup> Dec.), ¶138)  
(cited by Paper 13, (IPR2019-00714) (POR), p. 17)

# 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.