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

PATENT OWNER'S PRELIMINARY RESPONSE

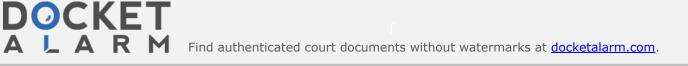


TABLE OF CONTENTS

I.	INTRODUCTION1				
II.	OVE	OVERVIEW OF THE '084 PATENT			
III.	OVERVIEW OF THE PRIOR ART				
	A.	Winkler			
	B.	Altman			
	C.	Lemmela10			
	D.	Crowley			
IV.	IV. CLAIM CONSTRUCTION				
	A.	"action spot" (claims 1, 2, 5, 6, 9, 10, 12, 13)14			
	В.	"determine at least one action spot within a predetermined distance from the current location of the first mobile device" (claims 1, 9)15			
V.	THE PETITION EXPRESSLY ASSUMES THE CLAIM SCOPE UNDER THE DISTRICT COURT'S CONSTRUCTION IS UNDEFINED, SO THE BOARD SHOULD DECLINE TO INSTITUTE REVIEW				
VI.	GRO	UND 1 IS DEFICIENT			
	A.	The Winkler-Altman Combination Fails To Provide The "Determine At Least One Action Spot" Limitation Of Independent Claims 1 And 9			
		1. The petition presents shifting and inconsistent mappings for "the at least one action spot" that deprive Patent Owner and the Board of a fair opportunity to assess Petitioner's combination20			
		2. The petition fails to demonstrate that any individual map element disclosed in Winkler meets all the requirements for "the at least one action spot" recited in claim 126			

		3.	The petition fails to demonstrate that the system resulting from the Winkler-Altman combination sets a "predetermined distance" before determining "the at least one action spot"				
		4.	The petition's proposed modification to Winkler is factually and legally flawed	.38			
	B.	A Gra	Winkler-Altman Combination Fails To Provide The "Displayin aphical Item Identifying A Direction" Limitation Of endent Claim 9	•			
VII.	GROUNDS 2-3 ARE DEFICIENT						
	А.	Indep	Petition Fails To Show That Lemmela Teaches The Limitation endent Claim 1 Of A Server Configured To Receive Data ative Of A Current Location Of A First Mobile Device				
	В.	"Dete	Lemmela-Crowley Combination Fails To Provide The ermine At Least One Action Spot" Limitation Of Independent as 1 And 9	.54			
	C.	Indica (Clain	Petition Fails To Show That Lemmela "Transmit[s] An ation Of An Activity Level At The At Least One Action Spot" n 1) or "Display[s] A Level Of Activity Associated With The One Action Spot" (Claim 9)				
	D.	"Disp	Proposed Combination of Ground 3 Fails To Provide The playing A Graphical Item Identifying A Direction" Limitatic dependent Claim 9				
VIII.	CON	CONCLUSION					

LIST OF EXHIBITS

EX2001	Declaration of Patrick McDaniel, Ph.D.
EX2002	Corrected Final Ruling on Claim Construction/Markman Hearing, Blackberry Limited v. Snap Inc., Case Nos. CV 18- 1844-GW & 18-2693-GW (C.D. Cal. April 5, 2019)

("Markman Order")

I. INTRODUCTION

Petitioner has failed to meet its burden of showing a reasonable likelihood that it would prevail with respect to any of the challenged claims. Indeed, the Petition is fatally deficient in multiple ways, each of which provides an independent basis to deny institution. Collectively, the large number of deficiencies in the Petition provides overwhelming weight to deny institution of this flawed IPR petition.

As an initial matter, the district court has formally construed the "determine at least one action spot" limitation under the *Phillips* standard, but the petition expressly assumes that moving forward with the district court's claim construction would "fail[] to inform a POSITA with reasonable certainty about the claim's scope." Pet., 15. A petition that fails to present alternative constructions and instead expressly assumes the claim scope is undefined should be denied institution. *Infra*, Section V.

Second, the petition presents shifting and inconsistent mappings for the "at least one action spot" element of claims 1 and 9, thereby failing to fulfill its requisite burden of identifying the grounds "with particularity" under § 312(a), unduly requiring the Board to speculate, and unfairly depriving Patent Owner of a fair opportunity to respond.

DOCKET A L A R M



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.