UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SNAP INC.,
Petitioner,

v.

BLACKBERRY LIMITED,
Patent Owner.

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IPR2019-00714
Patent 8,825,084 B2

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Before MICHAEL R. ZECHER, MIRIAM L. QUINN, and
AARON W. MOORE, *Administrative Patent Judges.*

QUINN, *Administrative Patent Judge.*

JUDGMENT
Final Written Decision
Determining All Claims Unpatentable
35 U.S.C. § 318(a)

I.   INTRODUCTION

We instituted *inter partes* review pursuant to 35 U.S.C. § 314 as to claims 1, 2, 5, 6, 9, 10, 12, 13, and 15 of U.S. Patent No. 8,825,084 B2 (Ex. 1001, "the '084 patent"), owned by Blackberry Limited ("Patent Owner"). Paper 9 ("Decision" or "Dec. on Inst."). We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons discussed below, Petitioner has shown by a preponderance of the evidence that claims 1, 2, 5, 6, 9, 10, 12, 13, and 15 (the challenged claims) of the '084 patent are unpatentable.

II.   BACKGROUND

A. RELATED MATTERS

The parties indicate that the '084 patent was asserted in *BlackBerry Limited v. Snap Inc.*, No. 2:18-cv-02693 (C.D. Cal.). Pet. 1; Paper 5, 2.

Petitioner filed a concurrent *inter partes* review proceeding, IPR2019-00715, involving U.S. Patent No. 8,326,327 B2, which is related to the '084 patent. *Id.*

B. THE '084 PATENT

The '084 patent relates to a system and method for determining an action spot based on the location of a mobile device. Ex. 1001, 1:14–17. The '084 patent discloses that, in order to find events currently occurring proximate to a mobile device's present location, a user must manually search external sources, such as electronic events calendars, Internet sites, and

Internet calendars of businesses or event holders. *Id.* at 3:11–16. The user must then compare the location of the event to the user's current location. *Id.* at 3:16–19.

The '084 patent discloses a system for determining an action spot, i.e., "a location or an event where at least one activity is occurring relative to the current location of another mobile device," by identifying a location where the other mobile device has engaged in documenting action. *Id.* at 3:3–5, 3:28–42. The action spot is located within a predetermined distance from the location of the user's mobile device. *Id.* at 3:28–42. The predetermined distance can be any set distance from the current location of the user's mobile device. *Id.* at 8:32–37. The predetermined distance may be set by a user, mobile device, software, server, or network provider. *Id.* at 8:37–44.

Figure 3, reproduced below, illustrates a screenshot of an interactive map, which includes display screen 102, graphic user interface 206, current location 302, action spots 304, 306, and graphical representations 308 of location landmarks. *Id.* at 5:56–6:31.
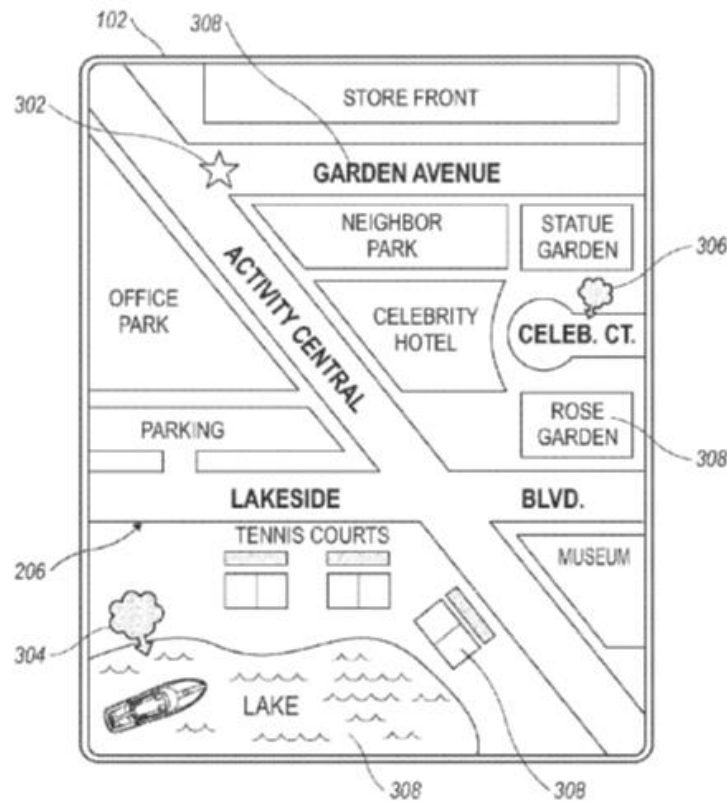
FIG. 3

FIG. 3 is an illustrative implementation of a graphical user interface displaying action spots within a predetermined distance from a current location of a mobile device. Ex. 1001, 1:53–55.

Action spots 304, 306 can have different sizes to indicate the activity level associated with each action spot, wherein a larger size represents more activity. *Id.* at 6:32–34. Activities may include documenting actions, such as messaging, photographing, or video recording. *Id.* at 2:63–67. Activity level may also be indicated by color, graphical-item-sizing, activity icon scheme, or various combinations thereof. *Id.* at 10:26–39.

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Figure 10, reproduced below, illustrates a block diagram for implementing a method of retrieving document actions and transmitting data to the mobile device. *Id.* at 7:5–8.
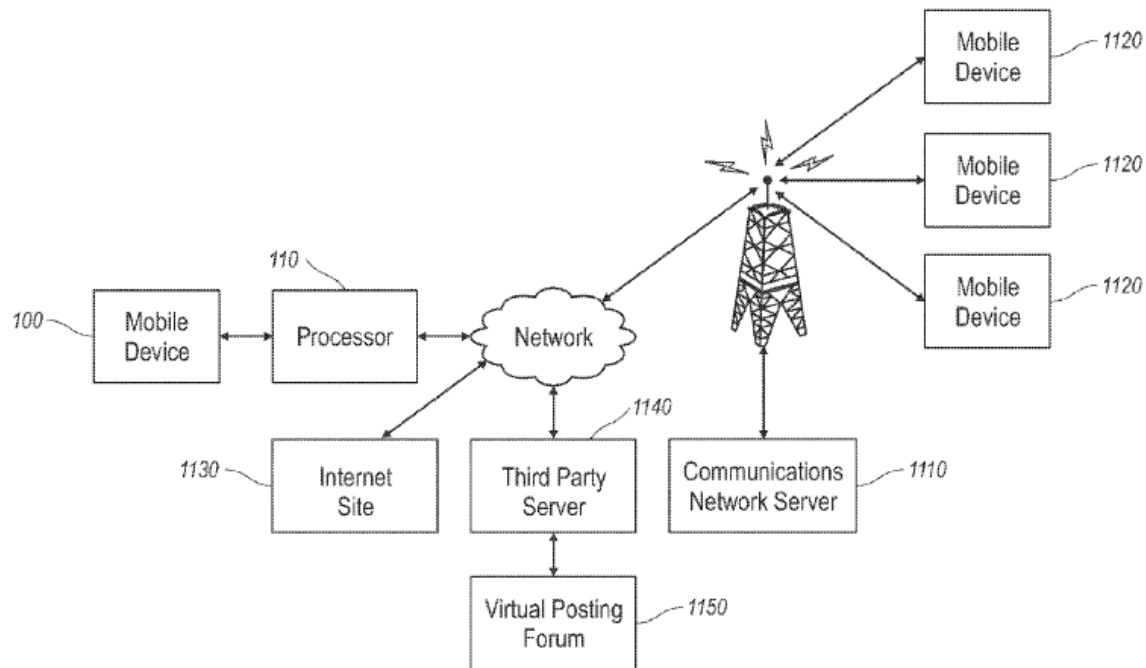

FIG. 10

Figure 10 is a block diagram representing the interaction between a plurality of resources, a mobile device, and a processor configured to determine action spots relative to the location of the mobile device. Ex. 1001, 2:11–14.

The block diagram includes processor 110, which can retrieve data from external server 1110. *Id.* at 7:5–34. Server 1110 monitors documenting actions of other mobile devices 1120 on the same communications network as mobile device 100. *Id.* Server 1110 can monitor location and level of documenting actions, and then transmit action spot locations based on the documenting actions to mobile device 100. *Id.*

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