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

SECOND DECLARATION OF PATRICK McDANIEL, PH.D.

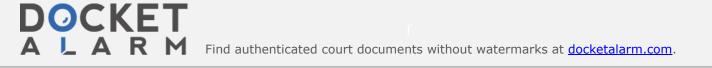


TABLE OF CONTENTS

I.	INTRODUCTION AND SCOPE OF WORK					
II.	QUALIFICATIONS					
III.	MATERIALS CONSIDERED					
IV.	PERSON OF ORDINARY SKILL IN THE ART12					
V.	BACKGROUND OF THE '084 PATENT					
	A.	'084	Patent Overview (Ex. 1001)	13		
	B. The Prosecution History of the '084 Patent					
VI.	INTE	ERPRE	TATION OF THE '084 PATENT CLAIMS AT ISSUE	24		
	A.	"dete	rmine" at least one "action spot"	26		
	B."w		predetermined distance from the current location of the first le device"	33		
VII.	ANALYSIS OF GROUNDS 2 AND 3: ALLEGED OBVIOUSNESS IN VIEW OF LEMELLA AND CROWLEY (GROUND 2) / IN VIEW OF LEMMELA, CROWLEY, AND WINKLER (GROUND 3)					
	A.	Over	view Of Prior Art	36		
		i.	Lemmela	36		
		ii.	Crowley	40		
	B.Grounds 2-3 Deficiencies					
		i.	The Petition Has Not Shown That Lemmela's System Determines At Least One Action Spot For Activity That "Is Occurring" Relative To A Current Location Of A First Mob Device (Claims 1 And 9)	ile		

		ii.	Lemmela Does Not Disclose A Server Configured To "Receive Data Indicative Of A Current Location Of A First Mobile Device" As Recited In Independent Claim 1			
		iii.	Lemmela Does Not "Transmit An Indication Of An Activity Level At The At Least One Action Spot" (Claim 1) or "Display A Level Of Activity Associated With The At Least One Action Spot" (Claim 9)			
		iv.	Lemmela's System Does Not Provide "An Indication Of An Activity Level At the At Least One Action Spot" That Comprises "One Or More Graphical Items Identifying A Relative Level Of Documenting Action Occurring At The At Least One Action Spot," As Recited In Claim 670			
		v.	The Combination Of Winkler With Lemmela And Crowley Would Not Have Provided A "Graphical Item Identifying A Direction, Relative To The Current Location [Of A First Mobile Device], In Which To Travel In Order To Arrive At The Determined At Least One Action Spot" As Recited In Claim 9 			
VIII.			S OF GROUND 1: ALLEGED OBVIOUSNESS IN VIEW OF AND ALTMAN			
	A.	Overv	view Of Prior Art76			
		i.	Winkler			
		ii.	Altman			
	B.Gr	round 1 Deficiencies				
		i.	The Petition Presents Inconsistent Mappings For "The At Least One Action Spot" Of Independent Claims 1 And 980			
		ii.	The Petition Has Not Shown Winkler's Map Elements Correspond To A Location "Where" At Least One Second Mobile Device "Has Engaged" In At Least One Documenting Action			

	iii.	The Petition Has Not Shown That The Alleged Winkler-Altman Combination Would Have Set A "Predetermined Distance" Before Determining "The At Least One Action Spot"	
	iv.	The Petition Conflates The Distance From A Tagged Location Map Element With A Distance From Current Location Of A First Mobile Device	
	v.	Winkler's Color-Changing Map Element Is Not A "Graphical Item Identifying A Direction, Relative To The Current Location [Of A First Mobile Device], In Which To Travel In Order To Arrive At The Determined At Least One Action Spot" As	
		Recited In Claim 994	4
IX.	LEGAL S	TANDARDS	7
	A. Obv	iousness97	7
XI.	ADDITIO	NAL REMARKS102	2

I, Patrick D. McDaniel, of State College, Pennsylvania, declare that:

I. INTRODUCTION AND SCOPE OF WORK

1. I have been retained by Fish & Richardson P.C. as an expert witness on behalf of BlackBerry Limited ("Blackberry" or "Patent Owner"). I understand that Snap, Inc. ("Snap" or "Petitioner") filed a Petition for *inter partes* review ("IPR") of claims 1-2, 5-6, 9-10, 12-13, and 15 of U.S. Patent No. 8,825,084 ("the '084 patent"), and the case was assigned case no. IPR2019-00714 ("the '084 IPR proceeding").

2. I previously submitted a declaration ("my First Declaration") in the '084 IPR proceeding on June 11, 2019. Since that time, I understand that the Patent Trial and Appeal Board ("PTAB" or "Board") instituted trial in the '084 IPR proceeding. *See* Institution Decision (IPR2019-00714). Based on further review of the Snap's IPR Petition of the '084 patent, the Board's decision instituting trial in the '084 IPR proceeding ("Institution Decision"), and the additional materials identified below in Section III, I submit the additional testimony set forth herein ("my Second Declaration") to supplement my analyses and conclusions from my First Declaration.

3. As previously stated in my First Declaration, I have been asked to provide my independent analysis of the '084 patent in light of the materials cited below and my knowledge and experience in this field during the relevant period. I

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.