

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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Case No. IPR2019-00715  
Patent No. 8,326,327

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**PATENT OWNER'S SUR-REPLY**

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## EXHIBITS LIST

- 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”)
- EX2003 Second Declaration of Patrick McDaniel, Ph.D.
- EX2004 Transcript of Deposition of Dr. Samrat Bhattacharjee (November 18, 2019)
- EX2005 Final Ruling On Defendant Snap Inc.’s Motion For Summary Judgment Of Invalidity Under Section 101 Of U.S. Patent Nos. 8,825,327 And 8,326,327, *Blackberry Limited v. Snap Inc.*, Case Nos. CV 18-1844-GW & 18-2693-GW (C.D. Cal. October 1, 2019)
- EX2006 Disclosure Pursuant To 37 C.F.R. §42.11
- EX2007 US Appl. No. 12/870,676 (as filed)
- EX2008 Garmin: Updating Maps on Your Garmin Device (May 2010), available at [https://www8.garmin.com/documents/instructions/Garmin\\_Map\\_Update\\_Guide.pdf](https://www8.garmin.com/documents/instructions/Garmin_Map_Update_Guide.pdf) (retrieved November 24, 2019)
- EX2009 CNET Article: How To Update Your GPS Maps TomTom Edition (July 14, 2010), available at <https://www.cnet.com/pictures/how-to-update-your-gps-maps-tomtom-edition-photos> (retrieved November 24, 2019) (slideshow pictures reproduced in a single PDF)
- EX2010 Transcript of Second Deposition of Dr. Samrat Bhattacharjee (April 10, 2020)

## I. INTRODUCTION

The Reply continues to advance arguments that are premised on an erroneous claim construction and mischaracterizations of the prior art. Petitioner fails to adequately explain why the Board should interpret the term “action spot” in a manner that not only contradicts the ’327 patent’s lexicographic definition, but also departs from the *Phillips* construction already imposed on the parties in the district court. *See* POR, 15-21; EX2003, ¶¶35-41.

A proper construction of elements 1[e]/10[c]/13[c] (“determin[ing]” an “action spot”), which aligns with the district court’s construction, is dispositive for the *Lemmela* grounds here, especially where Section IV of the Reply never argues that the *Lemmela* grounds achieve this requirement under such a construction. Petitioner has thus waived any argument in this regard. Moreover, the Reply’s *Lemmela*-specific arguments directed to independent claims 1, 10, and 13 and dependent claims 3 and 15 only serve to highlight additional shortcomings of the *Lemmela* grounds.

Finally, the Institution Decision previously determined that Ground 1 based on the *Winkler-Altman* combination was not reasonably likely to prevail. Inst. Dec., 20-24. The Reply attempts to revive the *Winkler* ground by introducing, for the first time in this proceeding, new “Scenarios” that were never presented with particularity in the Petition and, in many cases, directly contradict other statements from the

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