

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

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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)

Party	Meaning
<p>Petitioner</p>	<p>“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)</p>
<p>BlackBerry</p>	<p>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)</p>
<p>Evidence:</p>	<p>“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 2nd Dec.), ¶¶40-41)</p>

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 2nd Dec.), ¶138)
(cited by Paper 13, (IPR2019-00714) (POR), p. 17)

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