

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SNAP, INC.,
Petitioner

v.

BLACKBERRY LIMITED,
Patent Owner

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

DECLARATION OF PATRICK McDANIEL, PH.D.

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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 1-3, 8-11, 13-15, and 20 of U.S. Patent No. 8,326,327 (“the ’327 patent”), and the case was assigned case no. IPR2019-00715.

2. I have been asked to provide my independent analysis of the ’327 patent in light of the materials cited below and my knowledge and experience in this field during the relevant period. I have been asked to consider what a person of ordinary skill in the art at the time of the invention of the ’327 patent (a “POSITA”; refer to ¶¶16-17) would have understood from the teachings of the ’327 patent, including scientific and technical knowledge related to the ’327 patent. I have also been asked to consider whether the references cited in the Petition anticipate or render obvious the inventions described by claims 1, 10, and 13 of the ’327 patent. I have been told that this is only a preliminary stage of this proceeding, and accordingly, I address at this stage only certain aspects of the Petition and only some of my analysis of the cited grounds. I reserve the opportunity to address other issues and provide further analysis at a later date should it become necessary.

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