

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SNAP INC.,
Petitioner,

v.

BLACKBERRY LIMITED,
Patent Owner.

IPR2019-00715
Patent 8,326,327 B2

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
Granting Patent Owner's Motion to Amend
35 U.S.C. § 318(a)

I. INTRODUCTION

We instituted *inter partes* review pursuant to 35 U.S.C. § 314 as to claims 1–3, 8–11, 13–15, and 20 of U.S. Patent No. 8,326,327 B2 (Ex. 1001, “the ’327 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 1–3, 8–11, 13–15, and 20 (the challenged claims) of the ’327 patent are unpatentable. We also *grant* Patent Owner’s Motion to Amend.

II. BACKGROUND

A. RELATED MATTERS

The parties identify *BlackBerry Limited v. Snap Inc.*, No. 2:18-cv-02693 (C.D. Cal.), as a related matter. *See* Pet. 1; Patent Owner Mandatory Notices (Paper 5) 2. Petitioner has also filed a petition in IPR2019-00714 requesting *inter partes* review of U.S. Patent No. 8,825,084 B2, which was filed as a continuation of the ’327 patent.

B. THE ’327 PATENT

The ’327 patent relates to a system and method for determining an action spot based on the location of a mobile device. *See* Ex. 1001, 1:8–10. Specifically, the ’327 patent discloses determining an “action spot” by identifying a location where mobile devices have engaged in “documenting action.” *See id.* at 3:21–35. The action spot is located within a

“predetermined distance” from the location of the user’s mobile device. *See id.* at 3:64–66.

Figure 3, reproduced below, illustrates a screenshot of an interactive map, which includes display screen 102, graphical user interface 206, current location 302, action spots 304 and 306, and graphical representations 308 of location landmarks. *See Ex. 1001, 5:47–58.*

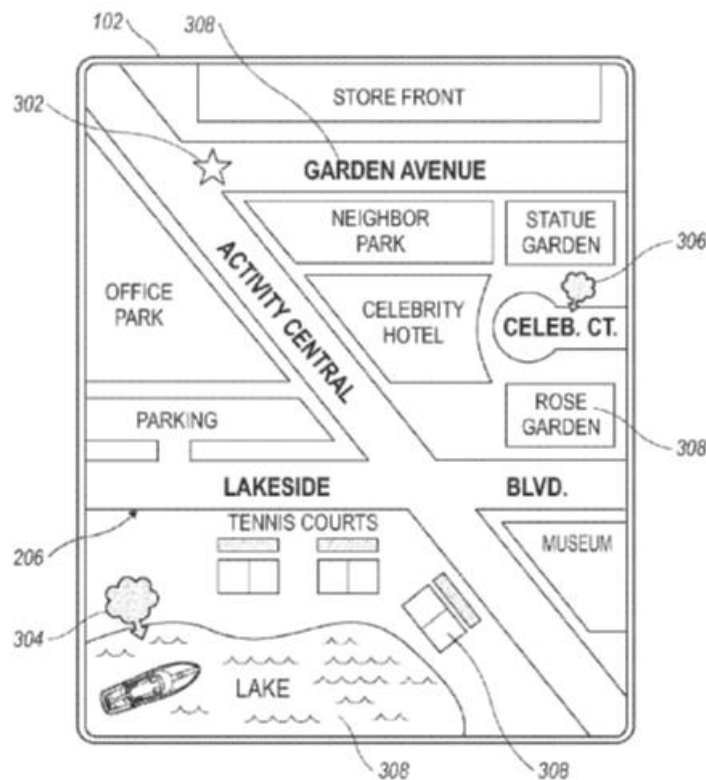


FIG. 3

“FIG. 3 is an illustrative implementation of a graphical user interface displaying an action spot within a predetermined distance from a current location of a mobile device.” *Ex. 1001, 1:46–48.*

The action spots can have different sizes to indicate the associated activity level; for example, a larger size may represent more activity. *See* Ex. 1001, 6:23–39.

Figure 7 of the '327 patent, reproduced below, shows “compass” 702 identifying the direction in which to travel to arrive at an action spot. *See id.* at 12:1–16.

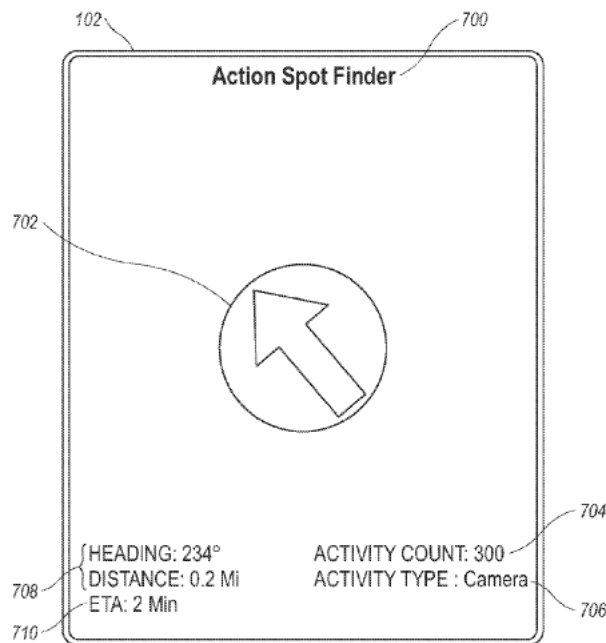


FIG. 7

FIG. 7 illustrates “a graphical user interface of a mobile device having a compass showing at least the distance and direction to an action spot.” Ex. 1001, 1:61–64.

C. ILLUSTRATIVE CLAIMS

Of the challenged claims, claims 1, 10, and 13 are independent. Each of challenged claims 2, 3, 8, 9, 11, 14, 15, and 20 depends directly or indirectly from at least one of claims 1, 10, or 13.

Claims 1, 10 and 13 are reproduced below.

1. A mobile device comprising:
 - a display; and
 - a processor module communicatively coupled to the display and configured to receive executable instructions to:
 - display a graphical user interface on the display;
 - receive data indicative of a current location of the mobile device;
 - determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action within a predetermined period of time;
 - signify the at least one action spot on the graphical user interface;
 - and
 - provide an indication of activity level at the at least one action spot.
10. A method for providing action spots on a mobile device comprising:
 - determining, via a processor, a current location of the mobile device;
 - determining at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action within a predetermined period of time;
 - displaying a graphical item on the display of the mobile device, said graphical item identifying a direction, relative to the current location, in which to travel in order to arrive at the determined at least one action spot.
13. A method for providing action spots on a mobile device comprising:
 - determining, via a processor, a current location of the mobile device;

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