

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 IPR2019-00715  
Patent 8,326,327 B2

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Before MICHAEL R. ZECHER, MIRIAM L. QUINN,  
and AARON W. MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

DECISION  
Instituting *Inter Partes* Review  
35 U.S.C. § 314

## I. INTRODUCTION

Snap Inc. (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1–3, 8–11, 13–15, and 20 of U.S. Patent No. 8,326,327 B2 (Ex. 1001, “the ’327 patent”). Paper 1 (“Pet.”). BlackBerry Limited (“Patent Owner”) filed a Preliminary Response. Paper 8 (“Prelim. Resp.”).

Institution of an *inter partes* review is authorized when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a).

Having considered the Petition, the Preliminary Response, and the evidence of record, we conclude there is a reasonable likelihood that Petitioner will prevail in establishing the unpatentability of at least one claim of the ’327 patent and, therefore, institute *inter partes* review.

### 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. The District Court issued a claim construction ruling in that case on April 5, 2019, a copy of which has been filed as Exhibit 2002.

Petitioner has also filed a petition in Case 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 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.*

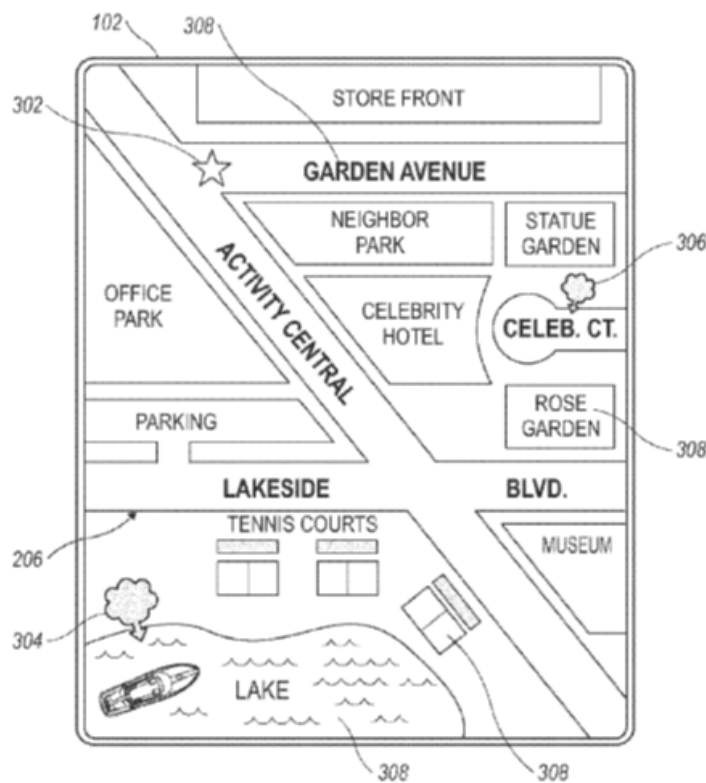


FIG. 3

*“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.

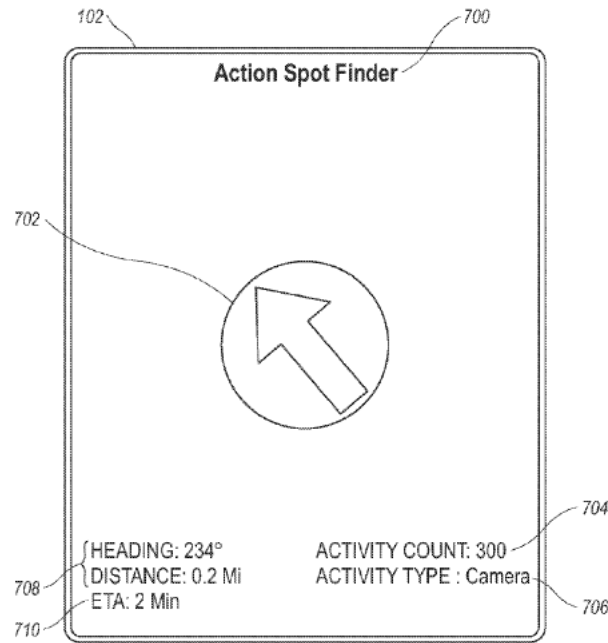


FIG. 7

*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. *The Challenged Claims*

Of the challenged claims, claims 1, 10, and 13 are independent and are reproduced below to show the scope of the subject matter at issue:

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;

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;

signifying the at least one action spot with a graphical item on a display of the mobile device;

marking the graphical item according to an activity level with at least one action spot.

Ex. 1001, 19:18–35, 20:2–15, 20:24–37.

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