

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

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141(c) and 319, and 37 C.F.R. § 90.2(a), notice is hereby given that Patent Owner Blackberry Limited hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in Case No. IPR2019-00715 entered September 1, 2020 (Paper 37) (“Final Written Decision”) by the Patent Trial and Appeal Board (“the Board”), and from all underlying orders, decisions, rulings, and opinions related thereto and included therein. This appeal is timely under 35 U.S.C. § 142 and Rule 15(a)(1) of the Federal Rules of Appellate Procedure.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal include, but are not necessarily limited to:

1. The Board’s decision that claims 1, 3, 8, and 13–15 of U.S. Patent No. 8,326,327 (Ex. 1001) were shown to be unpatentable under 35 U.S.C. § 103 as obvious over U.S. Patent Application Publication No. 2008/0250337 by S. Lemmela et al. (Ex. 1005, “Lemmela”) in view of U.S. Patent No. 7,593,740 to D. Crowley and A. Rainert (Ex. 1008, “Crowley”);
2. The Board’s decision that claims 10 and 11 were shown to be unpatentable under 35 U.S.C. § 103 as obvious over Lemmela in view of Crowley and in further view of U.S. Patent No. 8,750,906 to D. Winkler et al. (Ex. 1004, “Winkler”);

3. The Board's decision that claims 9 and 20 were shown to be unpatentable under 35 U.S.C. § 103 as obvious over Lemmela in view of Crowley and in further view of U.S. Patent Application Publication No. 2011/0199479 by J. Waldman (Ex. 1011, "Waldman");

3. The Board's construction of the term "action spot" in all claims under review, including the Board's interpretation of that construction and its application to the prior art;

4. The constitutionality of the appointment of the Administrative Patent Judges who presided over this *inter partes* review;

5. The Board's interpretation of the prior art;

6. The Board's legal errors in undertaking the aforementioned obviousness analysis;

7. The Board's findings that conflict with the evidence of record or are otherwise not supported by substantial evidence;

8. The Board's failure to consider evidence of record fully and properly;
and

9. All other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions underlying or supporting the Final Written Decision.

Per 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a)(1), this notice is being filed with the Director of the U.S. Patent and Trademark Office and a copy is also being filed with the Board. Per Federal Circuit Rule 15(a)(1) and 37 C.F.R. § 90.2(a)(2), Patent Owner is also sending a paper copy of this Notice of Appeal to the Clerk of the U.S. Court of Appeals for the Federal Circuit, and paying the fee set forth in Federal Circuit Rule 42.

Respectfully submitted,

Date: October 30, 2020

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §42.6(e), the undersigned certifies that on October 30, 2020, a complete and entire copy of this Patent Owner's Notice of Appeal was provided via email to the Petitioners by serving the email correspondence address of record as follows:

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