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 RESPONSE



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	В.	The Petition Fails To Show That Lemmela "Provide[s] An Indication Of Activity Level At The At Least One Action Spot" (Claim 1) or "Mark[s] The Graphical Item According To An Activity Level With At Least One Action Spot" (Claim 13)				
	C.	The Petition Fails To Show That Lemmela's System Provides An Indication Of Activity Level That Is Based Upon A Number Of Actions "Within A Predetermined Distance From The At Least One Action Spot" (Claims 3 And 15)				



	D.	The Lemmela-Crowley Combinations Of Grounds 2-4 Are Based Upon Hindsight Assertions			
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		1.	The Petition's inconsistent mapping of Winkler to Claims 1, 10, and 13 deprive Patent Owner and the Board of a fair opportunity to assess Petitioner's combination and ignore all requirements for "the at least one action spot"		
		2.	The Petition fails to show that any individual map element disclosed in the Winkler-Altman combination is an action spot corresponding to "a location where at least one second mobile device has engaged in at least one documenting action"49		
		3.	The Petition fails to show that the Winkler-Altman system sets a "predetermined distance" before determining "the at least one action spot"		
	В.	The Petition's Proposed Modification To Winkler's System Is Factually And Legally Flawed			
		1.	The Petition fails to address how/why a POSITA would have combined Winkler's distinct embodiments to achieve one map element that would provide all requirements of the claimed "action spot"		
		2.	The Petition's Winkler-Altman combination conflates distances from a map element with distances from a current location of the mobile device		



		3. The Petition's hindsight motivations to combine Altman with Winkler are deficient			
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LIST OF EXHIBITS

EX2001 Declaration of Patrick McDaniel, Ph.D. Corrected Final Ruling on Claim Construction/Markman EX2002 Hearing, Blackberry Limited v. Snap Inc., Case Nos. CV 18-1844-GW & 18-2693-GW (C.D. Cal. April 5, 2019) ("Markman Order") EX2003 Second Declaration of Patrick McDaniel, Ph.D. Transcript of Deposition of Dr. Samrat Bhattacharjee EX2004 (November 18, 2019) EX2005 Final Ruling On Defendant Snap Inc.'s Motion For Summary Judgment Of Invalidity Under Section 101 Of U.S. Patent Nos. 8,825,084 And 8,326,327, Blackberry Limited v. Snap Inc., Case Nos. CV 18-1844-GW & 18-2693-GW (C.D. Cal. October 1, 2019) EX2006 Disclosure Pursuant To 37 C.F.R. §42.11 EX2007 US Appl. No. 12/870,676 (as filed) EX2008 Garmin: Updating Maps on Your Garmin Device (May 2010), available at https://www8.garmin.com/documents/instructions/ Garmin Map Update Guide.pdf (retrieved November 24, 2019) CNET Article: How To Update Your GPS Maps TomTom EX2009 Edition (July 14, 2010), available at https://www.cnet.com/

in a single PDF)



pictures/how-to-update-your-gps-maps-tomtom-edition-photos (retrieved November 24, 2019) (slideshow pictures reproduced

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