

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.

TABLE OF CONTENTS

I.	INTRODUCTION AND SCOPE OF WORK	5
II.	QUALIFICATIONS	6
III.	MATERIALS CONSIDERED	10
IV.	PERSON OF ORDINARY SKILL IN THE ART	11
V.	BACKGROUND OF THE '327 PATENT	12
	A. '327 Patent Overview (Ex. 1001).....	12
	B. The Prosecution History of the '327 Patent.....	15
VI.	INTERPRETATION OF THE '327 PATENT CLAIMS AT ISSUE.....	18
	A. "action spot"	19
	B. "determine/determining at least one action spot within a predetermined distance from the current location of the mobile device"	20
VII.	ANALYSIS OF GROUND 1: ALLEGED OBVIOUSNESS IN VIEW OF WINKLER AND ALTMAN	22
	A. Overview Of Prior Art.....	23
	i. Winkler.....	23
	ii. Altman.....	27
	B. Ground 1 Deficiencies	27
	iii. The Petition Presents Inconsistent Mappings For "The At Least One Action Spot" Of Independent Claims 1, 10, and 13.....	28
	iv. The Petition Has Not Shown That Winkler's Map Elements Correspond To Activity That "Is Occurring" Under The '327 Patent's Definition of "Action Spot"	32

v.	The Petition Has Not Shown Winkler’s Map Elements Correspond To A Location Where At Least One Other Mobile Device Has Engaged In Documenting Action.....	36
vi.	The Petition Has Not Shown That The Alleged Winkler-Altman Combination Would Have Set A “Predetermined Distance” Before Determining “The At Least One Action Spot”	40
vii.	The Petition Conflates The Distance From A Tagged Location / Map Element With A Distance From Current Location Of A First Mobile Device	43
viii.	Winkler’s Color-Changing Map Element Is Not A “Graphical Item Identifying A Direction, Relative To The Current Location [Of The Mobile Device], In Which To Travel In Order To Arrive At The Determined At Least One Action Spot” As Recited In Claim 10	46
VIII.	ANALYSIS OF GROUNDS 2-4: ALLEGED OBVIOUSNESS IN VIEW OF LEMMELA AND CROWLEY (GROUND 2) / IN VIEW OF LEMMELA, CROWLEY, AND WINKLER (GROUND 3) / IN VIEW OF LEMMELA, CROWLEY, AND WALDMAN (GROUND 4).....	49
A.	Overview Of Prior Art.....	50
ix.	Lemmela.....	50
x.	Crowley.....	52
B.	Grounds 2-4 Deficiencies	52
xi.	The Petition Has Not Shown That Lemmela’s Groups Of Virtual Location-Based Posts Correspond To Activity That “Is Occurring” Under The ’327 Patent’s Definition of “Action Spot”	53
xii.	Lemmela Does Not Provide An “Activity Level” As Recited In Independent Claims 1 and 13.....	58
xiii.	Winkler’s Color-Changing Map Element Is Not A “Graphical Item Identifying A Direction, Relative To The Current Location [Of A First Mobile Device], In Which To Travel In Order To	

Arrive At The Determined At Least One Action Spot” As
Recited In Claim 1062

IX. LEGAL STANDARDS63

 A. Obviousness.....64

XI. ADDITIONAL REMARKS69

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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