UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD
FACEBOOK, INC., INSTAGRAM, LLC, and WHATSAPP INC. Petitioners
v.
BLACKBERRY LIMITED Patent Owner
Case IPR2019-00924 Patent 8,209,634

# PATENT OWNER BLACKBERRY LIMITED'S PRELIMINARY RESPONSE



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A.	"wireless communication device" (All challenged claims)			
B.	"messaging correspondent" (All challenged claims)10			
me	"a numeric character representing a count of the plurality of different essage correspondents for which one or more of the electronic messages have een received and remain unread" (All challenged claims)			
V. §314	THE BOARD SHOULD EXERCISE ITS DISCRETION UNDER (a) TO DENY INSTITUTION12			
	As to the two Facebook petitions (-00924, -00925), institution of multiple, current proceedings would not promote efficient administration of the Office he integrity of the system			
Sna	As between the multiple Facebook petitions and the multiple Snap petitions, ap's petitions (-00938, -00939) are duplicative follow-on petitions that place due burden on the Board and Patent Owner and lead to undue harassment16			
bec	The Board should exercise its discretion under §314(a) to deny institution cause IPR would be an inefficient use of Board resources in view of the ranced stage of the related District Court case			
§325 THE	THE BOARD SHOULD EXERCISE ITS DISCRETION UNDER (D) TO DENY INSTITUTION, BECAUSE THE PETITION PRESENTS SAME PRIOR ART ARGUMENTS PREVIOUSLY CONSIDERED BY EXAMINER			



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	ALL CITED REFERENCES IN THE PETITION—INCLUDING THE
	MARY AND ALL SECONDARY REFERENCES—ARE ADMITTEDLY
LAC	KING A REQUIRED CLAIM ELEMENT (ALL GROUNDS)32
	The Petitioner failed to show that Canfield discloses the claimed "numeric racter representing a count of the plurality of different messaging respondents."
clai	The Petitioner failed to show that Ording/Canfield/Schwartz discloses the imed "numeric character representing a count of the plurality of different ssaging correspondents."
MOT SCH	THE PETITION FAILS TO SHOW A POSITA WOULD HAVE BEEN FIVATED TO MODIFY ORDING IN VIEW OF CANFIELD AND WARTZ TO ARRIVE AT THE CLAIMED INVENTION. (ALL DUNDS)
A. wha	The Petition's proposed modifications ignore Canfield's teachings and at they achieve
	The Petition fails to acknowledge additional problems posed by its diffication of Canfield to prohibit all sessions except one-on-one sessions50
	The Petition fails to show that the proposed modification based on Canfield ne would have been obvious
Orc	The Petition's alternative theory that proposed modifications to ding/Canfield/Schwartz would have been "obvious to try" is unsupported by sufficient evidence.
•	CONCLUCION 50



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#### LIST OF EXHIBITS

EX2001	Declaration of Rajeev Surati, Ph.D.
EX2002	Corrected Final Ruling on Claim Construction/Markman Hearing, BlackBerry Limited v. Snap Inc., Case Nos. CV 18- 1844-GW & 18-2693-GW (C.D. Cal. April 5, 2019) ("Markman Order")
EX2003	Defendant's Notice and Motion to Stay Pending <i>Inter Partes</i> Review, <i>BlackBerry Limited v. Facebook, Inc. et al.</i> , Case Nos. 2:18-cv-01844-GW & 2:18-cv-02693-GW (C.D. Cal. April 16, 2019)
EX2004	Minutes of Status Conference, Initial Thoughts re Joint Report, <i>BlackBerry Limited v. Facebook, Inc. et al.</i> , Case Nos. 2:18-cv-01844-GW & 2:18-cv-02693-GW (C.D. Cal. April 22, 2019)
EX2005	Notice Withdrawing Pre-Institution Motion to Stay In View of Court's Guidance, <i>BlackBerry Limited v. Facebook, Inc. et al.</i> , Case Nos. 2:18-cv-01844-GW & 2:18-cv-02693-GW (C.D. Cal. April 26, 2019)
EX2006	Minutes of Order In Chambers, Trial Schedule, <i>BlackBerry Limited v. Facebook, Inc. et al.</i> , Case Nos. 2:18-cv-01844-GW & 2:18-cv-02693-GW (C.D. Cal. May 15, 2019)
EX2007	BlackBerry Limited's Final Election of Asserted Claims, BlackBerry Limited v. Facebook, Inc. et al., Case Nos. 2:18-cv-01844-GW & 2:18-cv-02693-GW (C.D. Cal. May 31, 2019)
EX2008	Defendant's Final Election of Asserted Prior Art, <i>BlackBerry Limited v. Facebook, Inc. et al.</i> , Case Nos. 2:18-cv-01844-GW & 2:18-cv-02693-GW (C.D. Cal. June 14, 2019)
EX2009	RESERVED
EX2010	RESERVED



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EX2011 Order Modifying Scheduling Order *BlackBerry Limited v. Facebook, Inc. et al.*, Case Nos. 2:18-cv-01844-GW & 2:18-cv-02693-GW (C.D. Cal. July 12, 2019)



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