UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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FACEBOOK, INC., INSTAGRAM, LLC, and WHATSAPP INC.,
Petitioner,

v.

BLACKBERRY LIMITED,
Patent Owner.

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Case IPR2019-00924
Patent 8,209,634 B2

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Before MIRIAM L. QUINN, GREGG I. ANDERSON, and
ROBERT L. KINDER, *Administrative Patent Judges.*

QUINN, *Administrative Patent Judge.*

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

I.   INTRODUCTION

Facebook, Inc., Instagram, LLC, and WhatsApp Inc., "Petitioner," filed a Petition requesting *inter partes* review of claims 1, 4–7, 10–13, and 16–18 of U.S. Patent No. 8,209,634 B2 (Ex. 1001, "the '634 patent"). Paper 1 ("Pet."). Blackberry Limited ("Patent Owner"), filed a Preliminary Response. Paper 10 ("Prelim. Resp."). With the Board's authorization, Petitioner filed a Reply (Paper 12 ("Reply")), and Patent Owner filed a Sur-reply (Paper 14 ("Sur-reply")).

We have jurisdiction under 35 U.S.C. § 314. Upon considering the record developed thus far, for reasons discussed below, we deny the petition and do not institute *inter partes* review.

A. Related Matters

The parties indicate that the '634 patent was asserted in *BlackBerry Limited v. Facebook, Inc.*, No. 2:18-cv-01844-GW-KS (C.D. Cal.). Pet. 1; Paper 4.

Petitioner filed a concurrent *inter partes* review proceeding, Case IPR2019-00925, also involving the '634 patent.

B. The '634 Patent

The '634 patent relates to graphical user interfaces ("GUIs") for controlling wireless communication devices. Ex. 1001, 1:12–14. The '634 patent discloses the challenge of representing multiple services and functions to a user on a wireless handheld devices. *Id.* at 1:32–35. In particular, the devices include a GUI with a main or home screen and sub-screens that are

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navigated through the main screen. *Id.* at 1:41–43. However, to indicate the receipt of a new instant message ("IM"), electronic mail ("e-mail"), or other service event, the device uses notification icons "often rendered on a major portion of the main screen." *Id.* at 1:43–52. To check the new IM or e-mail, the user is required to check each application separately, via the activation icon, which is inconvenient. *Id.* at 1:60–65. "[T]here is a demand to have information made available to a user quicker than previously available in order to optimize the control of the wireless device." *Id.* at 1:65–67.

The '634 patent, thus, discloses a personal information manager ("PIM") for organizing and managing data items relating to IM, e-mail, calendar events, voice mails, appointments, and task items. *Id.* at 6:10–15. To provide a "user-friendly environment" to control the operation of the device, the PIM provides a GUI with a main screen displaying icons for various software applications. *Id.* at 7:26–41. In response to a new event from an application, the icon associated with that application is visually modified to "provide an immediate notification of the event via a change" in the main screen. *Id.* at 7:59–63.

Figure 4, reproduced below, illustrates the main screen after a new IM message has arrived into one of the IM applications. *Id.* at 8:1–4.
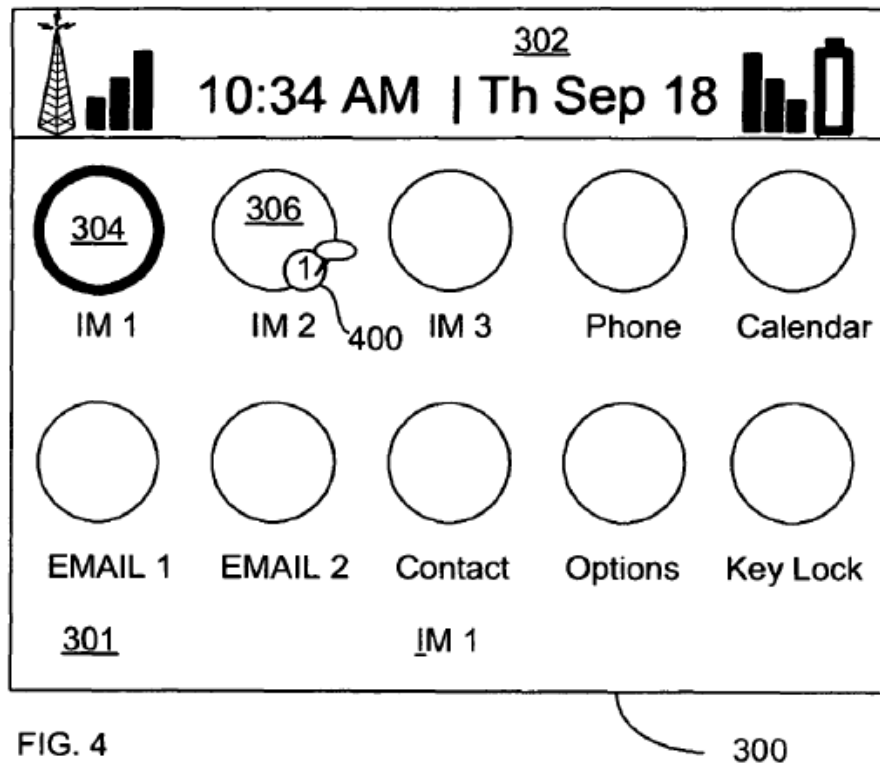
FIG. 4 is an illustration of the main screen of FIG. 3 after a new event.
Ex. 1001, 3:19–20.

In Figure 4 a new received text massage via application "IM 2" is indicated with visual modification 400, such as a bubble, and the number "1," which represents the count of the new event. *Id.* at 8:4–8. The '634 patent states that "[p]ersons of ordinary skill in the art will appreciate that a visual modification 400 different from a bubble may be used and the count may represent other information, such as the number of correspondents or 'buddies' from which one or more messages have been received but remain unread." *Id.* at 8:8–13.

C. Illustrative Claim

Of the challenged claims, claims 1, 7, and 13 are independent. Each of challenged claims 4–6, 10–12, and 16–18 depends directly or indirectly from claims 1, 7, and 13.

Claim 1 is illustrative:

1. A method of providing notifications of unread messages on a wireless communication device, comprising:

displaying at least one icon relating to electronic messaging on a graphical user interface of the wireless communication device;

receiving a plurality of electronic messages on the wireless communication device, the plurality of electronic messages including messages from a plurality of different messaging correspondents; and

in response to receiving at least one of the plurality of electronic messages, visually modifying at least one displayed icon relating to electronic messaging to include a numeric character representing a count of the plurality of different messaging correspondents for which one or more of the electronic messages have been received and remain unread.

Ex. 1001, 19:30–46; 20:11–36.

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