

1 QUINN EMANUEL URQUHART &
2 SULLIVAN, LLP
3 James R. Asperger (Bar No. 83188)
4 jamesasperger@quinnemanuel.com
5 Patrick T. Schmidt (Bar No. 274777)
6 patrickschmidt@quinnemanuel.com
7 865 S. Figueroa St., 10th Floor
8 Los Angeles, CA 90017
9 Telephone: (213) 443-3000
10 Facsimile: (213) 443-3100
11 Kevin P.B. Johnson (Bar No. 177129)
12 kevinjohnson@quinnemanuel.com
13 Victoria F. Maroulis (Bar No. 202603)
14 victoriamaroulis@quinnemanuel.com
15 Ray R. Zado (Bar No. 208501)
16 rayzado@quinnemanuel.com
17 555 Twin Dolphin Drive, 5th Floor
18 Redwood Shores, CA 94065
19 Telephone: (650) 801-5000
20 Facsimile: (650) 801-5100

21 Attorneys for Plaintiff BlackBerry Limited

22 IN THE UNITED STATES DISTRICT COURT
23 FOR THE CENTRAL DISTRICT OF CALIFORNIA

24 BLACKBERRY LIMITED, a
25 Canadian corporation,

26 Plaintiff,

27 v.

28 FACEBOOK, INC., a Delaware
corporation, WHATSAPP INC., a
Delaware corporation, and
INSTAGRAM, INC., a Delaware
corporation, and INSTAGRAM, LLC,
a Delaware limited liability company

Defendants.

Jordan R. Jaffe (Bar No. 254886)
jordanjaffe@quinnemanuel.com
Jeffrey W. Nardinelli (Bar No. 295932)
jeffnardinelli@quinnemanuel.com
Zachary C. Flood (Bar No. 312616)
zackflood@quinnemanuel.com
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

BLACKBERRY CORPORATION
Edward R. McGah, Jr (Bar No. 97719)
emcgah@blackberry.com
Vice President, Deputy General
Counsel—Litigation
41 Ticknor Place
Laguna Niguel, CA 92677
Telephone: (650) 581-4750

Case No. 2:18-cv-01844-GW-KS
LEAD CONSOLIDATED CASE
Related Case: 2:18-cv-02693-GW-KS

**BLACKBERRY LIMITED'S FINAL
ELECTION OF ASSERTED
CLAIMS**

1 Pursuant to the Updated Joint Case Scheduling Report (See Case No. 2:18-cv-
2 01844 GW(KSx), Dkt. No. 94), the Court’s adoption of the parties’ proposed
3 schedule (Dkt. 96), and the Court’s order extending time for claim narrowing (Dkt.
4 200), Plaintiff BlackBerry Limited (“BlackBerry”) hereby submits its Final Election
5 of Asserted Claims for U.S. Patent Nos. 7,372,961 (“the ’961 Patent”), 8,209,634
6 (“the ’634 Patent”), 8,301,713 (“the ’713 Patent”), 8,279,173 (“the ’173 Patent”),
7 8,429,236 (“the ’236 Patent”), 8,677,250 (“the ’250 Patent”), 9,349,120 (“the ’120
8 Patent”), 8,296,351 (“the ’351 Patent”), and 8,676,929 (“the ’929 Patent”)
9 (collectively, the ”patents-in-suit” or the “Asserted Patents”).

10 Discovery is ongoing, and BlackBerry continues to seek discovery from
11 Defendants Facebook, Inc. (“Facebook”), WhatsApp, Inc. (“WhatsApp”), and
12 Instagram, LLC (“Instagram”) (collectively, “Defendants”) that may affect
13 BlackBerry’s election of asserted claims. BlackBerry has served discovery requests
14 on Defendants to obtain additional information relevant to infringement that is in
15 Defendants’ possession, custody, or control. BlackBerry reserves the right to
16 supplement and/or amend these elections based on the discovery Defendants provide
17 in response to BlackBerry’s discovery requests. In particular, BlackBerry reserves
18 the right to supplement and/or amend these elections after it has received a complete
19 production of documents, after it has completed its inspection and review of
20 Defendants’ proprietary and confidential technical information for the Accused
21 Instrumentalities, including source code and technical specifications, and after it has
22 had an opportunity to depose Defendants’ employees and engineers with knowledge
23 of the structure, function, and/or operation of the Accused Instrumentalities.
24 BlackBerry will provide any such amendments and/or modifications in accordance
25 with the Court’s guidance, the Case Scheduling Order, and any amendments thereto.

26
27
28



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

U.S. Patent No.	Final Election of Asserted Claim(s)
7,372,961 ("the '961 Patent")	2
8,209,634 ("the '634 Patent")	1, 6
8,301,713 ("the '713 Patent")	4
8,279,173 ("the '173 Patent")	14
8,429,236 ("the '236 Patent")	15, 17
8,677,250 ("the '250 Patent")	9, 14
9,349,120 ("the '120 Patent")	9, 13, 20
8,296,351 ("the '351 Patent")	1, 14, 21
8,676,929 ("the '929 Patent")	1, 9, 16

1 DATED: May 31, 2019

Respectfully Submitted,

2
3 QUINN EMANUEL URQUHART &
SULLIVAN, LLP

4
5 By /s/ James R. Asperger

6 James R. Asperger (Bar No. 83188)
7 jamesasperger@quinnemanuel.com
8 865 S. Figueroa St., 10th Floor
9 Los Angeles, CA 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

10 Kevin P.B. Johnson (Bar No. 177129)
11 kevinjohnson@quinnemanuel.com
12 555 Twin Dolphin Drive, 5th Floor
13 Redwood Shores, CA 94065
Telephone: (650) 801-5000
Facsimile: (650) 801-5100

14 BLACKBERRY CORPORATION
15 Edward R. McGah, Jr (SBN 97719)
16 Vice President, Deputy General Counsel
17 41 Ticknor Place
Laguna Niguel, California 92677
Office: (+1) 650-581-4750

18 *Attorneys for Plaintiff, BlackBerry Limited*

19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is 50 California Street, 22nd Floor, San Francisco, CA 94111.

On May 31, 2019, I served true copies of the following document(s) described as **BLACKBERRY LIMITED'S FINAL ELECTION OF ASSERTED CLAIMS** on the interested parties in this action as follows:

SEE ATTACHED LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I transmitted PDF format copies of the document(s) described above to the e-mail addresses on the attached Service List. The documents were transmitted by electronic transmission and such transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 31, 2019, at San Francisco, California.

/s/ Zachary Flood

Zachary Flood

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.