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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
27 Plaintiff,
28
29 v.
30
31 FACEBOOK, INC., a Delaware
32 corporation, WHATSAPP INC., a
33 Delaware corporation, and
34 INSTAGRAM, INC., a Delaware
35 corporation, and INSTAGRAM, LLC,
36 a Delaware limited liability company
37
38 Defendants.

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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.

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| 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,

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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

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