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 IPR2019-00925 Patent 8,209,634

PATENT OWNER BLACKBERRY LIMITED'S PRELIMINARY RESPONSE



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III.	A. Background of the Invention B. Overview of the Prosecution History LEVEL OF ORDINARY SKILL	6
IV.	CLAIM CONSTRUCTION	9
V. §314	A. "wireless communication device" (All challenged claims)	0
VI. THE ADM	A. As to the two Facebook (-00924, -00925) petitions, institution of multiple, concurrent proceedings would not promote efficient administration of the Office or the integrity of the system	2 6
	A. The Petition failed to identify a prior art document that discloses "a numeric character representing a count of the plurality of different messaging correspondents," according to the appropriate construction	7



messaging correspondents for which one or more of the electronic messages
have been received and "remain unread"
VII. THE PETITION FAILS TO SHOW A POSITA WOULD HAVE BEEN MOTIVATED TO MODIFY ORDING IN VIEW OF ABIKO, CRUMLISH, AND DVORAK TO ARRIVE AT THE CLAIMED INVENTION. (ALL GROUNDS)
A. The Petition fails to show that a POSITA would have been motivated to modify Abiko to create the "sender information" menu using only "unread" messages
1. The Petition's proposed modification to Abiko ignores Abiko's teachings regarding its "sender selection" menus
2. The Petition fails to show that the proposed modification based on Abiko alone would have been obvious
3. The Petition fails to show that the claimed invention would have resulted even if Ording, Abiko, and Dvorak were combined with Crumlish44
4. The Petition fails to explain that the proposed modification would have been obvious at the time of the invention
B. The Petition fails to show that a POSITA would have been motivated to modify Ording's icon to identify a number of senders who have sent
unread messages
2. The Petition's alternative theory that the proposed modification to Abiko and Ording would have been "obvious to try" is unsupported by any sufficient evidence.
VIII. THE PETITION FAILS TO SHOW THAT CLAIMS 6, 12, AND 18 WERE OBVIOUS IN VIEW OF ORDING, ABIKO, CRUMLISH, DVORAK, AND MCPHERSON (GROUNDS 2 AND 4)
IX. CONCLUSION61



LIST OF EXHIBITS

EX2001	Declaration of Rajeev Surati, Ph.D.
EX2002	Corrected Final Ruling on Claim Construction/ <i>Markman</i> Hearing, <i>BlackBerry Limited v. Snap Inc.</i> , Case Nos. CV 18-1844-GW & 18-2693-GW (C.D. Cal. April 5, 2019) (" <i>Markman</i> 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



Attorney Docket No: 21828-0048IP1

EX2010 RESERVED

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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