

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'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141(c) and 319, and 37 C.F.R. § 90.2(a), notice is hereby given that Patent Owner Blackberry Limited hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in Case No. IPR2019-00925 entered October 1, 2020 (Paper 38) (“Final Written Decision”) by the Patent Trial and Appeal Board (“the Board”), and from all underlying orders, decisions, rulings, and opinions related thereto and included therein. This appeal is timely under 35 U.S.C. § 142 and Rule 15(a)(1) of the Federal Rules of Appellate Procedure.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal include, but are not necessarily limited to:

1. The Board’s decision that claims 1, 4, 5, 7, 10, 11, 13, 16, and 17 of U.S. Patent No. 8,209,634 (Ex. 1001) were shown to be unpatentable under 35 U.S.C. § 103(a) as obvious over *Ording*, *Abiko*, and *Dvorak*;
2. The Board’s decision that claims 6, 12, and 18 were shown to be unpatentable under 35 U.S.C. § 103(a) as obvious over *Ording*, *Abiko*, *Dvorak*, and *McPherson*;
3. The constitutionality of the appointment of the Administrative Patent Judges who presided over this *inter partes* review;
4. The Board’s interpretation of the prior art;

5. The Board's legal errors in undertaking the aforementioned obviousness analysis;
 6. The Board's findings that conflict with the evidence of record or are otherwise not supported by substantial evidence;
 7. The Board's failure to consider evidence of record fully and properly;
- and
8. All other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions underlying or supporting the Final Written Decision.

Per 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a)(1), this notice is being filed with the Director of the U.S. Patent and Trademark Office and a copy is also being filed with the Board. Per Federal Circuit Rule 15(a)(1) and 37 C.F.R. § 90.2(a)(2), Patent Owner is also sending a paper copy of this Notice of Appeal to the Clerk of the U.S. Court of Appeals for the Federal Circuit, and paying the fee set forth in Federal Circuit Rule 42.

Date: December 3, 2020

Respectfully submitted,
/Michael T. Hawkins/
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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §42.6(e), the undersigned certifies that on December 3, 2020, a complete and entire copy of this Patent Owner's Notice of Appeal was provided via email to the Petitioners by serving the email correspondence address of record as follows:

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I hereby certify that, in addition to being filed electronically through the Board's E2E System, the original version of the foregoing Notice of Appeal was filed by hand on December 3, 2020, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 1 OB20
600 Dulany Street
Alexandria, VA 22314-5793

I hereby certify that on December 3, 2020, a true and correct copy of the foregoing Notice of Appeal, along with a copy of the Final Written Decision, was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, DC 20005

Date: December 3, 2020

/Michael T. Hawkins/
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