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Attorneys for Snap Inc.

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DISTRICT**

18 BLACKBERRY LIMITED, a Canadian
19 corporation,

Plaintiffs,

20 v.

21 FACEBOOK, INC., a Delaware
22 corporation, WHATSAPP INC., a
23 Delaware corporation, and
24 INSTAGRAM, INC., a Delaware
25 corporation, and INSTAGRAM, LLC, a
26 Delaware limited liability company

Defendants,

26 SNAP INC., a Delaware corporation

27 Defendant.
28

CASE NO. 2:18-cv-01844 GW(KSx)
CASE NO. 2:18-cv-02693 GW(KSx)

**DEFENDANT SNAP INC.'S FINAL
ELECTION OF PRIOR ART**

JURY TRIAL DEMANDED

2:18-cv-01844 GW (KSx)
2:18-cv-02693 GW (KSx)

SNAP INC.'S FINAL ELECTION OF PRIOR ART

1 Pursuant to the Court’s minute order from the status conference (18-cv-
2 01844, Dkt. No. 84) and the Joint Status Report (18-cv-01844, Dkt. No. 101),
3 Defendant Snap Inc. (“Snap”) hereby serves its Final Election of Asserted Prior Art
4 on BlackBerry Limited.

5 Snap bases this identification upon its current knowledge, understanding, and
6 belief as to the facts and information available as of this date. Snap reserves all
7 rights relating to unelected prior art references, and its ability to elect prior art
8 references that are currently not elected (in response to, for example, amended
9 infringement or invalidity contentions, establishment of a claim’s priority date other
10 than that claimed on the face of the patent, or otherwise), in accordance with the
11 Federal Rules of Civil Procedure, the Local Rules, or as otherwise allowed by the
12 Court.

13 Defendant further reserves the right to rely on additional prior art, including
14 but not limited to prior art identified in Defendants’ Preliminary Invalidity
15 Contentions, as evidence for invalidity, including to show motivations to combine
16 prior art references, to reflect the state of the art and the knowledge of a person of
17 ordinary skill in the art at the time of the alleged invention, and/or otherwise for
18 background prior art purposes.

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20 **I. U.S. PATENT NO. 8,296,351 AND U.S. PATENT NO. 8,676,929**

21 **Common references for U.S. Patent Nos. 8,296,351 and 8,676,929**

- 22 1. Fishwrap system and related references and art
- 23 2. Castanet system and related references and art
- 24 3. Internet advertising including website banner ads and inline ads and related
25 references and art
- 26 4. U.S. Patent Publication No. 2002/0052781 (“Aufricht”) and related systems
- 27 5. WO 00/77978 (“Boyle”) and related systems

1 References for U.S. Patent No. 8,296,351

2 1. Junk Mail systems and related references and art

3 References for U.S. Patent No. 8,676,929

4 1. U.S. Patent No. 6,363,419 (“Martin”) and related systems

5 **II. U.S. PATENT NO. 8,326,327 AND U.S. PATENT NO. 8,025,084**

6 Common references for U.S. Patent Nos. 8,326,327 and 8,025,084

7 1. Foursquare system and related references and art

8 2. Trapster system and related references and art

9 3. Brightkite system and related references and art

10 4. Buzzd system and related references and art

11 5. U.S. Patent No. 8,750,906 (“Winkler”) and related systems

12 References for U.S. Patent No. 8,326,327

13 1. Gowalla system and related references and art

14 References for U.S. Patent No. 8,025,084

15 1. Well-known and conventional activity tracking systems, including crime
16 maps, traffic reports, military reports, and earthquake maps

17 **III. U.S. PATENT NO. 8,209,634**

18 1. AOL Instant Messenger, including as implemented on the T-Mobile sidekick,
19 and related references and art

20 2. Mac OS X system and related references and art, including the Mac OS X:
21 The Complete Reference (“Feiler”) and Mac OS X, The Missing Manual, 1st
22 and 2nd ed. (“Pogue”) books

23 3. Microsoft Outlook and related references and art, including Microsoft
24 Outlook Version 2002 Inside Out by Jim Boyce

25 4. “While You Were Out” Message Taking and related references and art

26 5. U.S. Patent No. 7,281,215 (“Canfield”) and related systems

27 6. U.S. Patent No. 7,278,108 (“Duarte”) and related systems

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1 **IV. U.S. PATENT NO. 8,301,713**

- 2 1. iChat system and related references and art, including as described in the
3 Missig posts
- 4 2. AOL Instant Messenger and related references and art
- 5 3. Well-known and conventional communication stamping methods and
6 systems, such as letter stamping/dating and passport stamping
- 7 4. JP 2000330913 (“Ito”) and related systems
- 8 5. U.S. Patent No. 6,519,639 (“Glasser”) and related systems
- 9 6. U.S. Patent Publication No. 2002/0026483 (“Isaacs”) and related systems

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DATED: June 14, 2019

Respectfully submitted,

PAUL HASTINGS LLP

By: /s/ Yar R. Chaikovsky
Yar R. Chaikovsky

Attorneys for Snap Inc.

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CERTIFICATE OF SERVICE

This is to certify that I served, via email, a true and correct copy of the following document(s):

DEFENDANT SNAP INC.’S FINAL ELECTION OF PRIOR ART

on counsel of record, in accordance with the Federal Rules of Civil Procedure, on June 14, 2019 using the following email distribution list provided by counsel for Blackberry: qe-blackberry-messaging@quinnemanuel.com and by counsel for Facebook, Inc., WhatsApp Inc., Instagram, Inc., Instagram LLC, zFBBlackberry@cooley.com.

/s/ Yar R. Chaikovsky
Yar R. Chaikovsky

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