UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SNAP, INC. Petitioner

v.

BLACKBERRY LIMITED Patent Owner

> Case IPR2019-00938 Patent 8,209,634

PATENT OWNER BLACKBERRY LIMITED'S PRELIMINARY RESPONSE

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IV.		CLAIM CONSTRUCTION9
V. §314	hav	 "wireless communication device" (All challenged claims)
Ū	-	As to the two Snap petitions, institution of multiple, concurrent occeedings would not promote efficient administration of the Office or the egrity of the system
	B. pet	
VI.		The Board should exercise its discretion under §314(a) to deny titution because IPR would be an inefficient use of Board resources in w of the advanced stage of the related District Court case
THE	E PR	RIMARY AND ALL SECONDARY REFERENCES—ARE
		TEDLY LACKING A REQUIRED CLAIM ELEMENT (ALL
GRU		(DS)
	cor B. Ab me C.	The Petition failed to identify a prior art document that discloses "a meric character representing a count of the plurality of different messaging respondents," according to the appropriate construction

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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			
1. The Petition fails to show that a POSITA would have been prompted to modify Ording's icon in the manner proposed at the time the invention was made. 48			
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. CONCLUSION			

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, BlackBerry Limited v. Facebook, Inc. et al., 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</i> <i>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	RESERVED
EX2008	RESERVED
EX2009	BlackBerry Limited's Final Election of Asserted Claims, BlackBerry Limited v. Snap, Inc., Case Nos. 2:18-cv- 01844- GW & 2:18-cv-02693-GW (C.D. Cal. May 31, 2019)
EX2010	Defendant's Final Election of Asserted Prior Art, <i>BlackBerry Limited v Snap, Inc.</i> , Case Nos. 2:18-cv-01844-GW & 2:18-cv-02693-GW (C.D. Cal. June 14, 2019)

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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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