Filed on behalf of: Snap Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SNAP INC.,
Petitioner

v.

BLACKBERRY LIMITED
Patent Owner

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U.S. Patent No. 8,209,634
IPR2019-00938

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MOTION FOR JOINDER TO *INTER PARTES* REVIEW IPR2019-00925

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I.   STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to the Board's Order (Paper 9), Snap Inc. ("Petitioner" or "Snap")

respectfully submits this Motion for Joinder to join its previously filed petition in

the instant proceeding (Paper 2) ("the Snap petition") with Facebook's petition

(IPR2019-00925) ("the Facebook petition") for *inter partes* review of U.S. Patent

U.S. Patent No. 8,209,634 ("the '634 patent").

Pursuant to 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22 and 42.122(b), Snap

requests institution of the Snap petition and joinder with *Facebook, Inc.,*

Instagram, LLC and WhatsApp Inc. v. BlackBerry Limited, IPR2019-00925 ("the

Facebook proceeding"), which concerns the same claims 1, 4-7, 10-13, and 16-18

of the '634 patent. This request is being submitted within the time set forth in 37

C.F.R. § 42.122(b).

Snap submits that the request for joinder is consistent with the policy

surrounding *inter partes* reviews, as it is the most expedient way to "secure the

just, speedy, and inexpensive resolution of every proceeding." *See* 37 C.F.R. §

42.1(b); *see also HTC v. Parthenon Unified Memory Architecture LLC.*, IPR2017-

00512, Paper No. 12 at 5–6 (June 1, 2017). The Snap petition and the Facebook

petition are substantially identical; they contain the same grounds (based on the

same prior art combinations and supporting evidence) against the same claims.

Further, upon joining the Facebook proceeding, Snap will act as an "understudy"

and will not assume an active role unless the current petitioners cease to participate in the instituted IPR. Accordingly, the proposed joinder will neither unduly complicated the Facebook proceeding nor delay its schedule. As such, the joinder will promote judicial efficiency in determining the patentability of the '634 patent without prejudice to Patent Owner.

II.   STATEMENT OF MATERIAL FACTS

1.   The '634 patent is at issue in infringement actions against Snap and Facebook in the Central District of California, Case No. 2:18-cv-01844.

2.   On April 4, 2019, Facebook filed a petition for *inter partes* review (IPR2019-00925) requesting cancelation of claims 1, 4-7, 10-13, and 16-18 of the '634 patent.

3.   On April 5, 2019, Facebook filed a petition for *inter partes* review (IPR2019-00938) requesting cancelation of claims 1, 4-7, 10-13, and 16-18 of the '634 patent.

4.   The Snap petition and the Facebook petition are substantially identical; they contain the same grounds (based on the same prior art combinations and supporting evidence) against the same claims.   Paper 2, 2; Paper 9, 1.

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