UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD
SNAP, INC. Petitioner
V.
BLACKBERRY LIMITED Patent Owner
Case IPR2019-00939
Patent 8,209,634

PATENT OWNER BLACKBERRY LIMITED'S PRELIMINARY RESPONSE



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A.	"wireless communication device" (All challenged claims)		
B.	"messaging correspondent" (All challenged claims)10		
me	"a numeric character representing a count of the plurality of different ssage correspondents for which one or more of the electronic messages we been received and remain unread" (All challenged claims)		
V.	THE BOARD SHOULD EXERCISE ITS DISCRETION UNDER		
§314	(a) TO DENY INSTITUTION12		
-	As to the two Snap petitions, institution of multiple, concurrent ceedings would not promote efficient administration of the Office or the grity of the system.		
Fac	As between the multiple Facebook petitions and the multiple Snap petitions, sebook's petitions are duplicative petitions that place undue burden on the ard and Patent Owner and lead to undue harassment		
bec	The Board should exercise its discretion under §314(a) to deny institution cause IPR would be an inefficient use of Board resources in view of the ranced stage of the related District Court case		
§325 THE	THE BOARD SHOULD EXERCISE ITS DISCRETION UNDER (D) TO DENY INSTITUTION, BECAUSE THE PETITION PRESENTS SAME PRIOR ART ARGUMENTS PREVIOUSLY CONSIDERED BY EXAMINER		



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VII. ALL CITED REFERENCES IN THE PETITION—INCLUDING THE
PRIMARY AND ALL SECONDARY REFERENCES—ARE ADMITTEDLY LACKING A REQUIRED CLAIM ELEMENT (ALL GROUNDS)32
A. The Petitioner failed to show that Canfield discloses the claimed "numeric character representing a count of the plurality of different messaging correspondents."
B. The Petitioner failed to show that Ording/Canfield/Schwartz discloses the claimed "numeric character representing a count of the plurality of different messaging correspondents."
VIII. THE PETITION FAILS TO SHOW A POSITA WOULD HAVE BEEN MOTIVATED TO MODIFY ORDING IN VIEW OF CANFIELD AND SCHWARTZ TO ARRIVE AT THE CLAIMED INVENTION. (ALL GROUNDS)
A. The Petition's proposed modifications ignore Canfield's teachings and what they achieve
B. The Petition fails to acknowledge additional problems posed by its modification of Canfield to prohibit all sessions except one-on-one sessions50
C. The Petition fails to show that the proposed modification based on Canfield alone would have been obvious
D. The Petition's alternative theory that proposed modifications to Ording/Canfield/Schwartz would have been "obvious to try" is unsupported by any sufficient evidence.
IV CONCLUSION 56



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LIST OF EXHIBITS

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