

Petition for *Inter Partes* Review of
U.S. Patent No. 8,209,634 B2

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
U.S. Patent No. 8,209,634 B2
Issue Date: June 26, 2012

Title: PREVIEWING A NEW EVENT ON A SMALL SCREEN DEVICE

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,209,634 B2**

Table of Contents

Page

Introduction	1
I. Mandatory Notices under §42.8(A)(1)	1
A. Real Party-In-Interest under §42.8.(b)(1).....	1
B. Related Matters under §42.8(b)(2)	1
C. Lead and Back-Up Counsel under §42.8(b)(3).....	2
D. Service Information	3
II. Fee Payment.....	4
III. Requirements under §§ 42.104 and 42.108 and Considerations under §§ 325(d) and 314(a)	4
A. Grounds for Standing	4
B. Identification of Challenge and Statement of Precise Relief Requested	4
C. Considerations Under § 325(d) and § 314(a).....	5
IV. Overview of the '634 Patent.....	6
A. Level of Ordinary Skill in the Art	6
B. Specification Overview	6
C. The Challenged Claims	9
V. Claim Construction.....	9
A. “wireless communication device”	9
B. “messaging correspondent”	11
C. “a numeric character representing a count of the plurality of different message correspondents for which one or more of the electronic messages have been received and remain unread”.....	12
VI. The Challenged Claims are Unpatentable	13
A. Overview of the Grounds of Unpatentability.....	13
B. Summary and Date Qualification of the Prior Art	14
1. Prior Art for Ground 1	14

Table of Contents
(continued)

	Page
(a) Ording [Ex. 1103].....	14
(b) Abiko [Ex. 1109]	17
(c) Crumlish [Ex. 1110]	21
(d) Dvorak [Ex. 1111]	23
2. Additional Prior Art for Ground 2	24
(a) McPherson [Ex. 1112].....	24
3. Additional Prior Art for Grounds 3-4	25
(a) Strom [Ex. 1115]	26
C. Ground 1: Obviousness of Claims 1, 4-5, 7, 10-11, 13 and 16-17 Over Ording in view of Abiko, Crumlish, and Dvorak	27
1. Claim 1	27
(a) “A method of providing notifications of unread messages on a wireless communication device, comprising:” (Preamble).....	27
(b) “displaying at least one icon relating to electronic messaging on a graphical user interface of the wireless communication device;” (1[a]).....	33
(c) “receiving a plurality of electronic messages on the wireless communication device, the plurality of electronic messages including messages from a plurality of different messaging correspondents; and” (1[b])	35
(d) “in response to receiving at least one of the plurality of electronic messages, visually modifying at least one displayed icon relating to electronic messaging to include a numeric character representing a count of the plurality of different messaging correspondents for which one or more of the electronic messages have been received and remain unread.” (1[c]).....	37

Table of Contents
(continued)

	Page
2. Claim 4: “The method of claim 1, the at least one icon relating to electronic messaging being selectable to invoke an electronic messaging application.”	49
3. Claim 5: “The method of claim 1, comprising displaying on the graphical user interface an identifier of the correspondent from whom at least one of the plurality of messages was received.”	50
4. Claim 7	53
5. Claims 10-11	54
6. Claim 13	55
7. Claims 16-17	56
D. Ground 2: Obviousness of Claims 6, 12 and 18 Over Ording in view of Abiko, Crumlish, and Dvorak, in further view of McPherson.....	56
E. Grounds 3-4: Further Combination with Strom if “Wireless Communication Device” Requires a Small Screen Display	61
1. How Small is a “Small-Screen” Device?.....	62
2. Strom Discloses a “Small-Screen” Wireless Device	65
VII. Conclusion	72

List of Exhibits

Exhibit No.	Description of Document
1101	U.S. Patent No. 8,209,634 B2 to Gerhard D. Klassen et al. (filed Feb. 24, 2004, issued June 26, 2012) (“’634” or “’634 patent”)
1102	Declaration of Sandeep Chatterjee, Ph.D. (“Chatterjee”)
1103	U.S. Patent No. 7,434,177 B1 to Bas Ording et al. (filed Dec. 20, 1999, issued Oct. 7, 2008) (“Ording”)
1104 – 1107	<i>Reserved</i>
1108	Excerpts from <i>Microsoft Computer Dictionary</i> (5th ed. 2002)
1109	U.S. Patent Application Pub. No. 2002/0142758 A1 to Hajime Abiko et al. (filed Jan. 7, 2002, published Oct. 3, 2002) (“Abiko”)
1110	Excerpts from Christian Crumlish, <i>The ABCs of the Internet</i> (1996) (“Crumlish”)
1111	John C. Dvorak, <i>Scarier than Spam</i> , PC Magazine, Jan. 19, 1999 (“Dvorak”)
1112	Excerpts from Frank McPherson, <i>How to Do Everything with Your Pocket PC</i> (2d ed. 2002) (“McPherson”)
1113	Prosecution history for U.S. Patent Application No. 10/784,781, which issued as the ’634 patent
1114	<i>Nokia 9210i Communicator</i> , web page from <www.nokia.com>, cited by the Examiner during prosecution of the ’634 patent and included among non-patent literature (NPL) in the ’634 file history
1115	David Strom, <i>Three New Wireless E-Mail Devices</i> , Computerworld, Nov. 8, 1999 (“Strom”)
1116	Affidavit of Christopher Butler

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.