

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SNAP INC.,
Petitioner,

v.

BLACKBERRY LIMITED,
Patent Owner.

Case IPR2019-00715
Patent 8,326,327 B2

Before MICHAEL R. ZECHER, MIRIAM L. QUINN,
and AARON W. MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

DECISION
Instituting *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Snap Inc. (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1–3, 8–11, 13–15, and 20 of U.S. Patent No. 8,326,327 B2 (Ex. 1001, “the ’327 patent”). Paper 1 (“Pet.”). BlackBerry Limited (“Patent Owner”) filed a Preliminary Response. Paper 8 (“Prelim. Resp.”).

Institution of an *inter partes* review is authorized when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a).

Having considered the Petition, the Preliminary Response, and the evidence of record, we conclude there is a reasonable likelihood that Petitioner will prevail in establishing the unpatentability of at least one claim of the ’327 patent and, therefore, institute *inter partes* review.

A. *Related Matters*

The parties identify *BlackBerry Limited v. Snap Inc.*, No. 2:18-cv-02693 (C.D. Cal.), as a related matter. *See* Pet. 1; Patent Owner Mandatory Notices (Paper 5) 2. The District Court issued a claim construction ruling in that case on April 5, 2019, a copy of which has been filed as Exhibit 2002.

Petitioner has also filed a petition in Case IPR2019-00714 requesting *inter partes* review of U.S. Patent No. 8,825,084 B2, which was filed as a continuation of the ’327 patent.

B. *The ’327 Patent*

The ’327 patent relates to a system and method for determining an action spot based on the location of a mobile device. *See* Ex. 1001, 1:8–10. Specifically, the patent discloses determining an “action spot” by identifying

a location where mobile devices have engaged in “documenting action.” See *id.* at 3:21–35. The action spot is located within a “predetermined distance” from the location of the user’s mobile device. See *id.* at 3:64–66.

Figure 3, reproduced below, illustrates a screenshot of an interactive map, which includes display screen 102, graphical user interface 206, current location 302, action spots 304 and 306, and graphical representations 308 of location landmarks. See Ex. 1001, 5:47–58.

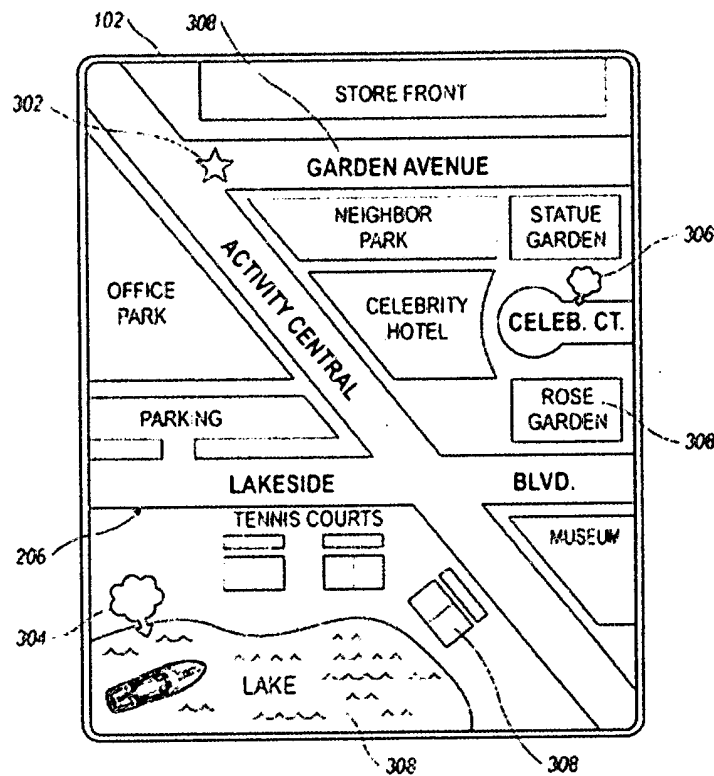


FIG. 3

“FIG. 3 is an illustrative implementation of a graphical user interface displaying an action spot within a predetermined distance from a current location of a mobile device.” Ex. 1001, 1:46–48.

The action spots can have different sizes to indicate the associated activity level; for example, a larger size may represent more activity. See Ex. 1001, 6:23–39.

Figure 7 of the '327 patent, reproduced below, shows “compass” 702 identifying the direction in which to travel to arrive at an action spot. *See id.* at 12:1–16.

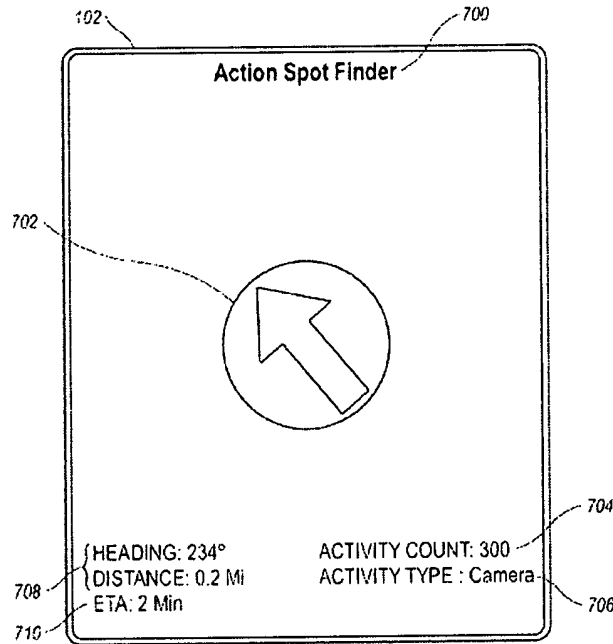


FIG. 7

FIG. 7 illustrates “a graphical user interface of a mobile device having a compass showing at least the distance and direction to an action spot.” Ex. 1001, 1:61–64.

C. *The Challenged Claims*

Of the challenged claims, claims 1, 10, and 13 are independent and are reproduced below to show the scope of the subject matter at issue:

1. A mobile device comprising:
 - a display; and
 - a processor module communicatively coupled to the display and configured to receive executable instructions to:
 - display a graphical user interface on the display;
 - receive data indicative of a current location of the mobile device;

determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action within a predetermined period of time;

signify the at least one action spot on the graphical user interface;
and

provide an indication of activity level at the at least one action spot.

10. A method for providing action spots on a mobile device comprising:

determining, via a processor, a current location of the mobile device;

determining at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action within a predetermined period of time;

displaying a graphical item on the display of the mobile device, said graphical item identifying a direction, relative to the current location, in which to travel in order to arrive at the determined at least one action spot.

13. A method for providing action spots on a mobile device comprising:

determining, via a processor, a current location of the mobile device;

determining at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action within a predetermined period of time;

signifying the at least one action spot with a graphical item on a display of the mobile device;

marking the graphical item according to an activity level with at least one action spot.

Ex. 1001, 19:18–35, 20:2–15, 20:24–37.

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