# UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD GOOGLE LLC, Petitioner, v. BLACKBERRY LTD., Patent Owner. Case IPR2017-00911 Patent 8,745,149 B2





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Tehrani v. Hamilton Medical, Inc., 331 F.3d 1355 (Fed. Cir. 2003)	7
Unwired Planet, LLC v. Google Inc., 841 F.3d 995 (Fed. Cir. 2016)	25
Other Authorities	
William Strunk, Jr. & E.B. White, <i>The Elements of Style</i> 30 (4th ed. 2000)	o



### LIST OF EXHIBITS

Ex. 1001	U.S. Patent No. 8,745,149
Ex. 1002	Declaration of Dr. Dan R. Olsen Jr.
Ex. 1003	CV of Dr. Dan R. Olsen Jr.
Ex. 1004	File History of U.S. Patent No. 8,745,149
Ex. 1005	RESERVED
Ex. 1006	U.S. Patent No. 5,631,949 ("Milton")
Ex. 1007	JP Patent Application No. H03-89639 ("Toshio")
Ex. 1008	RESERVED
Ex. 1009	U.S. Patent No. 6,661,434 ("MacPhail")
Ex. 1010	File History of U.S. Patent No. 9,385,973
Ex. 1011	BlackBerry's Opposition to Motion to Dismiss in <i>BlackBerry LTD</i> . v. <i>BLU Prods.</i> , <i>Inc.</i> , Case No. 1:16-cv-23535 (S.D. Fla.)
Ex. 1012	International Publication No. WO 01/24036 ("Appelman")
Ex. 1013	Caroline Rose et al., "Inside Macintosh Volume 1" (1985)
Ex. 1014	U.S. Patent No. 8,554,859
Ex. 1015	RESERVED
Ex. 1016	RESERVED
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Ex. 1018	Deposition Transcript of Dr. George T. Ligler (March 2, 2018)



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