

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

BLACKBERRY LTD.,
Patent Owner.

Case IPR2017-00914
Patent 8,713,466 B2

Before SALLY C. MEDLEY, ROBERT J. WEINSCHENK, and
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

MEDLEY, Administrative Patent Judge.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

Google LLC (“Petitioner”) filed a Petition for *inter partes* review of claims 1–26 of U.S. Patent No. 8,713,466 B2 (Ex. 1001, “the ’466 patent”). Paper 1 (“Pet.”). BlackBerry Limited (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). Upon consideration of the Petition and Preliminary Response, we instituted an *inter partes* review pursuant to 35 U.S.C. § 314, as to claims 1–26 of the ’466 patent. Paper 7 (“Dec.”).

Subsequent to institution, Patent Owner filed a Patent Owner Response (Paper 17, “PO Resp.”) and Petitioner filed a Reply to Patent Owner’s Response (Paper 20, “Reply”). On May 30, 2018, we held an oral hearing. Paper 28 (“Tr.”).¹

This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a). For the reasons that follow, Petitioner has shown by a preponderance of the evidence that claims 1–26 of the ’466 patent are unpatentable.

A. *Related Matters*

The parties state that the ’466 patent is the subject of a court proceeding styled *BlackBerry Limited v. BLU Products, Inc.*, Case No. 16-23535 (S.D. Fla.). Pet. 1; Paper 4, 1. Application 13/770,190 (“the ’190 application”) was filed February 19, 2013 and issued as the ’466 patent, but claims, under 35 U.S.C. § 120, the benefit of application 10/983,606 (“the ’606 application” or “parent application”), filed November 9, 2004, which issued as U.S. Patent No. 8,402,384 B2 (“the ’384 patent” or “parent patent”). The ’384 patent is involved in IPR2017-00913.

¹ The oral hearing included a related proceeding, IPR2017-00913. Paper 25.

B. The '466 Patent

The '466 patent is directed to a graphical user interface including a dynamic bar for displaying preview information on a main screen of the graphical user interface. Ex. 1001, Abstract. Each dynamic bar is associated with respective one or more interfaces for applications and/or functions provided by the apparatus. *Id.* Each dynamic bar has a pop-up interface for providing preview information determined from information managed by applications and/or functions and links to invoke respective interfaces. *Id.* Figures 5 and 6 are reproduced below.

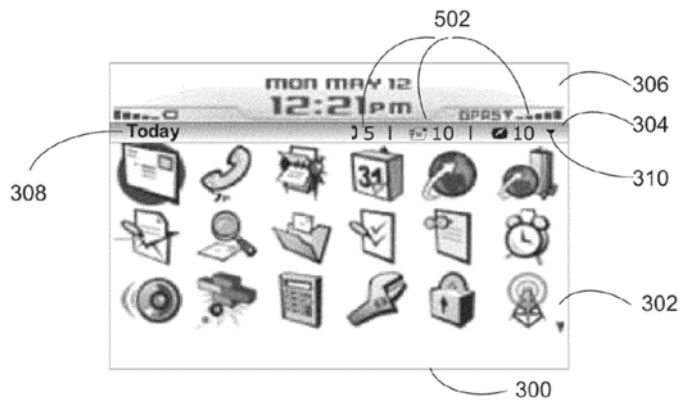


FIG. 5

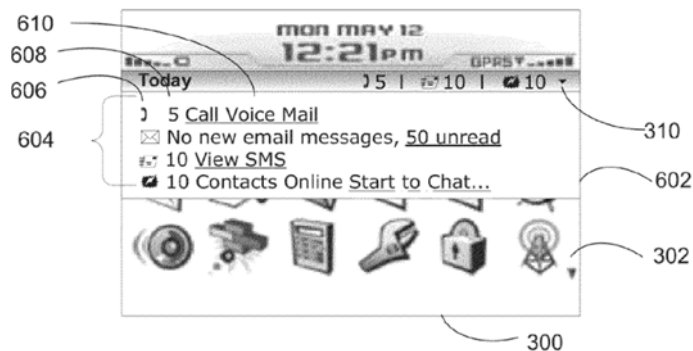


FIG. 6

Figures 5 and 6 illustrate main screen 300 with dynamic bar 304 and expansion pop-up interface 602. *Id.* at 7:51–54, 8:1. Dynamic bar 304 includes counts of new events 502 (e.g., new voice mail messages, email messages, SMS messages, or contacts online with which to chat). *Id.* at 7:54–57. Expansion pop-up 602 lists particular services 604 associated with dynamic bar 304, such as voice mail, email, SMS, and chat, including an iconic representation of service 606 and preview information. *Id.* at 8:1–5. Preview information includes count 608 and link 610 to invoke the associated application user interface for the service. *Id.* at 8:5–7. According to the '466 patent, “[p]review information may thus comprise information maintained by the associated applications and/or functions as well as information determined from this managed information[.]” *Id.* at 8:7–10.

C. Illustrative Claim

Petitioner challenges claims 1–26 of the '466 patent. Claims 1, 14, and 22 are independent claims. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method for displaying preview information, the method comprising:

displaying on a display dynamic preview information in a dynamic bar, the dynamic preview information being determined from information managed by a software application, the dynamic preview information being updated to reflect a change to the information managed by the software application; and

expanding the dynamic bar to display an expanded dynamic bar in response to a first input, displaying the expanded dynamic bar comprising:

displaying additional dynamic preview information determined from the information managed by the software application, the additional dynamic preview information

being different from the dynamic preview information displayed in the dynamic bar;

the additional dynamic preview information comprising a selectable link which when activated, invokes the software application.

Id. at 11:40–58.

D. Instituted Grounds of Unpatentability

We instituted trial based on all asserted grounds of unpatentability as follows (Dec. 24):

Reference(s)	Basis	Challenged Claim(s)
Cadiz ²	§ 103(a) ³	1, 4, 6, 12–14, 17, 22, and 24
Cadiz and Hawkins ⁴	§ 103(a)	2, 3, 15, and 23
Cadiz and Siedlikowski ⁵	§ 103(a)	7–9, 18, 19, and 25
Cadiz and Yamadera ⁶	§ 103(a)	5, 10, 11, 16, 20, 21, and 26

² U.S. Patent Application Publication No. 2002/0186257 A1, filed June 8, 2001, published Dec. 12, 2002 (Ex. 1006, “Cadiz”).

³ The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), amended 35 U.S.C. §§ 102 and 103. Because the ’466 patent has an effective filing date before the effective date of the applicable AIA amendments, we refer to the pre-AIA versions of 35 U.S.C. §§ 102 and 103.

⁴ U.S. Patent No. 7,007,239 B1, issued Feb. 28, 2006 (Ex. 1007, “Hawkins”).

⁵ U.S. Patent No. 6,741,232 B1, issued May 25, 2004 (Ex. 1008, “Siedlikowski”).

⁶ U.S. Patent Application Publication No. 2002/0123368 A1, filed Aug. 20, 2001, published Sept. 5, 2002 (Ex. 1009, “Yamadera”).

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