UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC.,
Petitioner,

v.

BLACKBERRY LTD.,
Patent Owner.

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Case IPR2017-00914
Patent 8,713,466 B2

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

MEDLEY, Administrative Patent Judge.

DECISION
Granting Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Google, Inc. ("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 4 ("Prelim. Resp."). Institution of an *inter partes* review is authorized by statute 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); *see* 37 C.F.R. § 42.108. Upon consideration of the Petition and Preliminary Response, we conclude the information presented shows there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of claims 1–26 of the '466 patent.

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.

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 a 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.
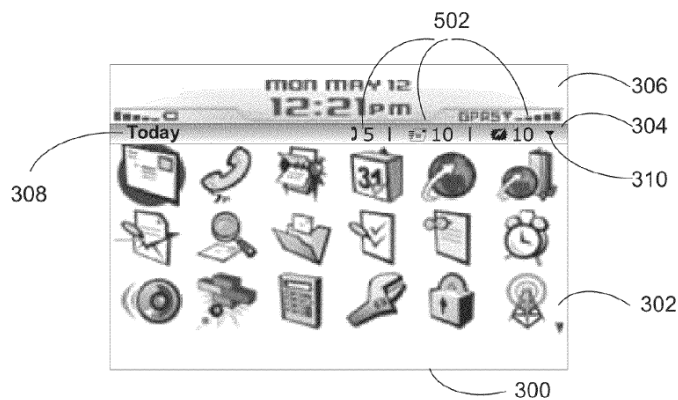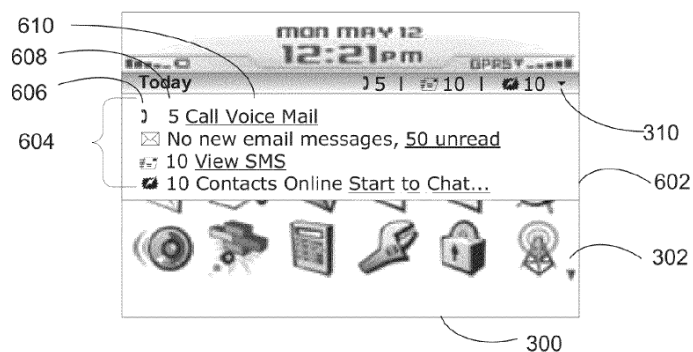

FIG. 5

FIG. 6

Figures 5 and 6 illustrate main screen 300 with a 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 the service 606 and preview information. *Id*. at 8:1–5. Preview information includes count 608 and a 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 8:7–8:10.

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. Asserted Grounds of Unpatentability

Petitioner asserts that claims 1–26 are unpatentable based on the following grounds (Pet. 2):

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

II. DISCUSSION

A. Claim Construction

In an *inter partes* review, we construe claim terms in an unexpired patent according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b). Consistent with the broadest reasonable construction, claim terms are presumed to have their ordinary and customary meaning as understood by a person of ordinary skill in the art in the context of the entire patent disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner proposes that the terms of the claims of the '466 patent be interpreted in accordance with their plain and ordinary meaning under the

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[1] U.S. Patent Application Publication No. 2002/0186257 A1, filed Jun. 8, 2001, published Dec. 12, 2002 (Ex. 1006) ("Cadiz").
[2] U.S. Patent No. 7,007,239, issued Feb. 28, 2006 (Ex. 1007) ("Hawkins").
[3] U.S. Patent No. 6,741,232, issued May 25, 2004 (Ex. 1008) ("Siedlikowski").
[4] U.S. Patent Application Publication No. 2002/0123368 A1, filed Aug. 20, 2001, published Sep. 5, 2002 (Ex. 1009) ("Yamadera").

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