

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FACEBOOK, INC., INSTAGRAM, LLC, and WHATSAPP INC.,  
Petitioner

v.

BLACKBERRY LIMITED,  
Patent Owner.

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Case IPR2019-00516  
Case IPR2019-00528  
Patent 8,279,173 B2

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Record of Remote Oral Hearing  
Held: May 5, 2020

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Before SALLY C. MEDLEY, MIRIAM L. QUINN, and AARON W.  
MOORE, *Administrative Patent Judges*.

IPR2019-00516 (Patent 8,279,173 B2)  
IPR2019-00528 (Patent 8,279,173 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

ANDREW C. MACE, ESQ.  
HEIDI L. KEEFE, ESQ.  
of: Cooley LLP  
3175 Hanover Street  
Palo Alto, California 94304-1130  
(650) 843-5808 (Mace)  
amace@cooley.com  
(650) 843-5001 (Keefe)  
hkeefe@cooley.com

ON BEHALF OF THE PATENT OWNER:

SAM STAKE, ESQ.  
OGI ZIVOJNOVIC, ESQ.  
of: Quinn, Emanuel, Urquhart & Sullivan, LLP  
50 California Street  
22nd Floor  
San Francisco, California 94111  
(415) 875-6387 (Stake)  
samstake@quinnemanuel.com  
(415) 875-6469 (Zivojnovic)  
ogizivojnovic@quinnemanuel.com

The above-entitled matter came on for hearing on Tuesday,  
May 5, 2020, commencing at 11:00 a.m. EDT, via  
Video/Teleconference.

P-R-O-C-E-E-D-I-N-G-S

11:01 a.m.

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2  
3 JUDGE QUINN: All right. Welcome, everyone. This is  
4 the hearing for Case IPR 2019-516 and IPR 2019-528 concerning U.S.  
5 Patent No. 8,279,173. The caption for this case is Facebook, Inc.,  
6 Instagram, LLC and WhatsApp, Inc. v. BlackBerry Limited. May I  
7 have, at this point, who is here for Petitioner?

8 MR. MACE: Good morning, Your Honor. This is Andrew  
9 Mace. Can you hear me?

10 JUDGE QUINN: I'm sorry about that. This is the  
11 emergency test for the USPTO. Hold on. Okay. You may proceed.

12 MR. MACE: Okay. Good morning, Your Honor. This is  
13 Andrew Mace for Petitioner, confirming you can hear me.

14 JUDGE QUINN: Yes, I can hear you.

15 MR. MACE: Okay, great. I've also got Heidi Keefe dialed  
16 in telephonically, but I'll be making the presentation today.

17 JUDGE QUINN: I want to confirm the court reporter has  
18 been able to determine those names.

19 COURT REPORTER: Yes, I have.

20 JUDGE QUINN: Thank you. All right, who do we have for  
21 Patent Owner?

22 MR. STAKE: Good morning, Your Honor. This is Sam  
23 Stake from Quinn, Emanuel for Patent Owner BlackBerry Limited.

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1 With me is Ogi Zivojnovic, an associate at Quinn, Emanuel. Mr.  
2 Zivojnovic will be presenting for us today.

3 JUDGE QUINN: Okay. With me on the screen are Judge  
4 Aaron Moore and Judge Sally Medley.

5 JUDGE MEDLEY: Good morning.

6 JUDGE QUINN: I am Miriam Quinn. As you know,  
7 Petitioner begins. You have 30 minutes, and you may reserve time  
8 for rebuttal. How much time would you like to reserve?

9 MR. MACE: I'll reserve 10 minutes, Your Honor.

10 JUDGE QUINN: Okay. This is how -- will you be keeping  
11 some time on your own as well, so that we are not interrupting you, or  
12 do you want me -- (Simultaneous speaking.)

13 JUDGE QUINN: -- to interrupt you? Okay, you are. All  
14 right, you may start whenever you're ready.

15 PETITIONERS' PRESENTATION

16 MR. MACE: Okay, thanks, Your Honor. Let's turn to Slide  
17 4 of Petitioners' demonstratives. This slide provides a brief  
18 identification of the key disputes between the parties. They are the  
19 construction of tag source, the prior art disclosure of tag sources, tag  
20 type indicator, tag list, motivations to combine and Patent Owner's  
21 motion to amend.

22 We go in order with these disputes, starting with tag source.  
23 Return to Slide 6. This slide sets forth the parties' competing  
24 constructions for Petitioner. The construction of tag source is either a

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1 collection of tags or a recognizable collection of tags. Patent Owner  
2 contends that it's the separately searchable collection of tags.

3 JUDGE QUINN: Is your contention --

4 MR. MACE: Turning to Slide 7 --

5 JUDGE QUINN: -- that the -- let me ask you about your  
6 contention. What is your proposed construction for the term tag  
7 source?

8 MR. MACE: So as we explained in our reply I think, it's a  
9 collection of tags. Implicit in that is the idea that that collection of  
10 tags is recognizable, so either of those constructions would be  
11 acceptable to us, so either a collection of tags or a recognizable  
12 collection of tags.

13 JUDGE QUINN: What does recognizable add to the  
14 collection of tags phrase?

15 MR. MACE: Right, so as we explained in the reply, we think  
16 the idea of recognizability is implicit in the term collection of tags, but  
17 in case there's any doubt about that, the idea of recognizability is  
18 simply that the system that uses the tags for photo tagging would be  
19 able to recognize distinct collections of tags in order to carry out the  
20 photo tagging functionality.

21 JUDGE QUINN: You mean the source of the tags must  
22 somehow be captured in some form; some data that goes with that  
23 information, so that then a tag type indicator can be associated with a  
24 tag. Is that what you're saying?

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