

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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IPR2019-00706  
Patent 9,349,120 B2

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

MOORE, *Administrative Patent Judge*.

JUDGMENT  
Final Written Decision  
All Challenged Claims Unpatentable  
*35 U.S.C. § 318(a)*

TABLE OF CONTENTS

I.	INTRODUCTION .....	1
A.	Background .....	1
B.	Related Matters .....	1
C.	The '120 Patent .....	2
D.	The Challenged Claims .....	3
E.	Evidence Relied Upon.....	5
1.	Dallas .....	5
2.	Kent.....	7
3.	Brown.....	7
4.	LeBlanc.....	7
5.	Bott.....	8
6.	Mann .....	8
F.	Grounds of Unpatentability.....	8
II.	ANALYSIS .....	9
A.	Level of Ordinary Skill in the Art.....	9
B.	Claim Construction—"Notification" .....	9
1.	The Claim Language.....	11
2.	The Written Description .....	12
3.	The Prosecution History and Other Intrinsic Evidence .....	15
4.	Extrinsic Evidence .....	16
5.	The District Court Construction .....	16
6.	Subjectivity .....	18
7.	Conclusion .....	20
C.	Obviousness .....	20
1.	The Independent Claims .....	21

a.	Patent Owner Arguments .....	23
i.	Notifications .....	23
ii.	Teaching Away .....	25
iii.	Manner of Display.....	27
iv.	Silencing in LeBlanc .....	28
v.	Displaying .....	29
2.	The Dependent Claims.....	31
III.	CONCLUSION .....	35
IV.	ORDER.....	36

## I. INTRODUCTION

### A. *Background*

Facebook, Inc., Instagram, LLC, and Whatsapp Inc. (collectively, “Petitioner”) filed a Petition requesting *inter partes* review of claims 1–3, 5, 7–11, 13–15, 17, 19–22, and 24 of U.S. Patent No. 9,349,120 B2 (Ex. 1001, “the ’120 patent”). Paper 2 (“Pet.”). Blackberry Limited (“Patent Owner”) filed a Preliminary Response. Paper 8 (“Prelim. Resp.”).

On September 4, 2019, we instituted an *inter partes* review of claims 1–3, 5, 7–11, 13–15, 17, 19–22, and 24. Paper 9 (“Decision”), 18. Patent Owner then filed a Patent Owner Response (Paper 16, “PO Resp.”), Petitioner filed a Reply (Paper 18, “Pet. Reply”), and Patent Owner filed a Sur-Reply (Paper 21, “PO Sur-Reply”). An oral hearing was held on June 10, 2020, by video only, and a transcript of the hearing is included in the record (Paper 34, “Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 1–3, 5, 7–11, 13–15, 17, 19–22, and 24 of the ’120 patent are unpatentable.

### B. *Related Matters*

The parties identify *BlackBerry Ltd. v. Facebook, Inc.*, No. 2:18-cv-01844-GW-KS (C.D. Cal.), as a related matter. *See* Pet. 2; 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 1020. The case is now stayed. *See* Ex. 1029.

C. The '120 Patent

The '120 patent is directed to “[m]ethods, systems, and computer programming products . . . for silencing message threads.” Ex. 1001, Abstract. The general scheme is illustrated in Figure 6 of the patent, which is reproduced in part below.

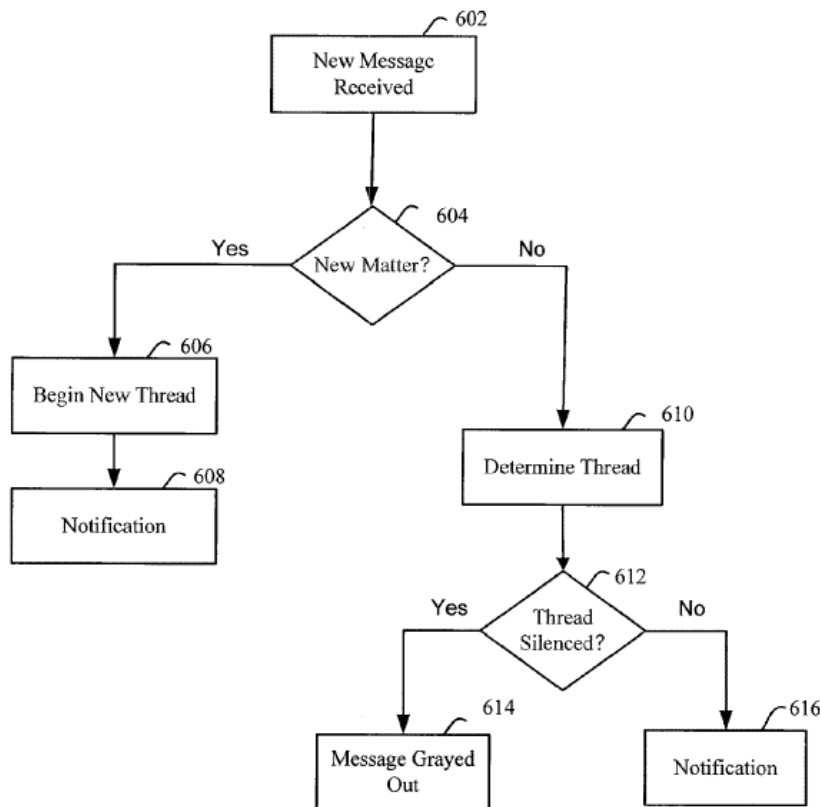


Figure 6 is a “schematic flow diagram of an example method for receiving a message.” Ex. 1001 2:1–2.

The method “can begin at 602 where a message is received which is addressed or otherwise identified in such a way as to be associated with an inbox.” Ex. 1001 14:5–7. “At 604, it may be determined whether or not the message relates to a new matter, such as a new topic of conversation or a new activity.” *Id.* at 14:19–21. “If the message does relate to a new matter, at 606, a new message thread is started” and “[a]t 608, the user is notified of

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