

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

BLACKBERRY LIMITED,
Patent Owner

Case IPR2019-00706
Patent No. 9,349,120

PATENT OWNER BLACKBERRY LIMITED'S NOTICE OF APPEAL

Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Notice is hereby given, pursuant to 37 C.R.R. § 90.2(a), that Patent Owner Blackberry Limited appeals to the United States Court of Appeals for the Federal Circuit from the Final Written decision of the Patent Trial and Appeal Board in Case No. IPR2019-00706, entered September 1, 2020 (Paper No. 35). In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner indicates that the issues on appeal include, but are not limited to the following:

1. Whether the PTAB erred in finding 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 U.S. Patent No. 9,349,120 (“the ’120 Patent”) are unpatentable.
2. Whether the PTAB erred in finding that Petitioner has shown by a preponderance of the evidence that claims 1–3, 5, 7–8, 10, 13–15, 17, 19–22, and 24 are unpatentable under 35 U.S.C. § 103(a) as obvious in view of Alastair Dallas, *Special Edition Using Collabra Share 2* (1995) (“Dallas”), Mark R. Brown, *Special Edition Using Netscape Communicator 4* (1997) (“Brown”), Jeff Kent, *C++ Demystified: A Self-Teaching Guide* (2004) (“Kent”).
3. Whether the PTAB erred in finding that Petitioner has shown by a preponderance of the evidence that claim 9 is unpatentable under 35 U.S.C. § 103(a) as obvious in view of Dallas, Brown, Kent, and Ed Bott, *Special Edition Using Microsoft Windows Millennium Edition* (2001) (“Bott”).
4. Whether the PTAB erred in finding that Petitioner has shown by a preponderance of the evidence that claims 11 and 22 are unpatentable under 35 U.S.C. § 103(a) as obvious in view of Dallas, Brown, Kent, and Bill Mann, *How to Do Everything with Microsoft Office Outlook 2007* (2007) (“Mann”).

5. Whether the PTAB erred in finding that Petitioner has shown by a preponderance of the evidence that claims 1–3, 5, 7–8, 10, 13–15, 17, 19–22, and 24 are unpatentable under 35 U.S.C. § 103(a) as obvious in view of Dallas, Brown, Kent, and Dee-Ann LeBlanc, *Using Eudora* (2d ed. 1997) (“LeBlanc”).
6. Whether the PTAB erred in finding that Petitioner has shown by a preponderance of the evidence that claim 9 is unpatentable under 35 U.S.C. § 103(a) as obvious in view of Dallas, Brown, Kent, LeBlanc, and Bott.
7. Whether the PTAB erred in finding that Petitioner has shown by a preponderance of the evidence that claims 11 and 22 are unpatentable under 35 U.S.C. § 103(a) as obvious in view of Dallas, Brown, Kent, LeBlanc, and Mann.
8. Whether the PTAB erred in its construction of the term “notification.”
9. Whether the PTAB erred in one or more procedural orders, discovery orders, or other findings and determinations in arriving at the erroneous conclusions in the Final Written Decision.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, this Notice of Appeal, along with the required docketing fees, is being filed with the Clerk’s Office for the United States Court of Appeal for the Federal Circuit.

Respectfully submitted,

Date: October 28, 2020

By: /Jim Glass/

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CERTIFICATE OF SERVICE (37 C.F.R. §§ 42.6(E), 42.105(A))

The undersigned hereby certifies that the foregoing document was served in its entirety on October 28, 2020 upon the following parties via Electronic Mail.

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