

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

BLACKBERRY LIMITED,
Patent Owner.

IPR2019-00942
Patent 8,677,250 B2

Record of Oral Hearing
Held: September 8, 2020

Before MIRIAM L. QUINN, GARTH D. BAER, and AARON W. MOORE,
Administrative Patent Judges.

IPR2019-00942
Patent 8,677,250 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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Also Present:
Heidi Keefe
Nikki Vo

The above-entitled matter came on for hearing on Tuesday,
September 8, 2020, commencing at 1:00 p.m. EDT, via Videoconference.

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

2 1:00 p.m.

3 JUDGE BAER: Good afternoon, everyone. This is our hearing
4 for IPR2019-00942. This addresses Patent Number 8,677,250. This will
5 be between Petitioner's Facebook, Instagram, and WhatsApp, and Patent
6 Owner, Blackberry. Before we get going, I'm Judge Baer and with me are
7 Judges Quinn and Moore.

8 Let's go ahead and get the parties' appearances, if we could, please.
9 Who do we have for the Petitioner?

10 MR. WEINSTEIN: This is Mark Weinstein from Cooley, LLP, for
11 Petitioner. Also on the line with me is Heidi Keefe, designated as lead
12 counsel, and also listening in is Nikki Vo, for the court reporter, that's N-I-
13 K-K-I, V-O, from Facebook in-house legal.

14 JUDGE BAER: Thank you, Mr. Weinstein. And will you be
15 presenting argument?

16 MR. WEINSTEIN: Yes, Your Honor.

17 JUDGE BAER: Great. Thank you. And who do we have for
18 Patent Owner, Blackberry?

19 MR. STAKE: Sam Stake from Quinn Emanuel for Patent Owner,
20 Blackberry, and with me, I believe on the public line, is our designated lead
21 counsel, Jim Glass.

1 JUDGE BAER: Great. Thank you, Mr. Stake. And I assume
2 you'll be presenting the argument for Patent Owner, is that correct?

3 MR. STAKE: That's correct.

4 JUDGE BAER: Great. Thank you. We set forth our procedure
5 in our hearing order a little bit earlier, but just a few reminders, the parties
6 will each have 45 minutes total time to present their arguments. We do
7 have the full record, we have all the papers, and your slides that you all
8 submitted, but it will help to keep the record clear if you'll just tell us which
9 slide number you're referring to as you go through or which exhibit you're
10 referring to.

11 Also, if you wouldn't mind muting your line if you're done talking
12 and if it's been some time since you've spoken, it will help our court reporter
13 if you will identify who you are before you go ahead and speak.

14 I think that's about it. Let me also say that we certainly appreciate
15 everybody making the effort to be here by video. Obviously, these are
16 helpful and we appreciate you making the effort to be here.

17 Before we get going, does counsel for Petitioner have any questions
18 for us, Mr. Weinstein?

19 MR. WEINSTEIN: No, Your Honor.

20 JUDGE BAER: Great. And, Mr. Stake, any questions on your
21 part?

22 MR. STAKE: No, Your Honor, nothing for me.

1 JUDGE BAER: Great. With that, I think we are ready to begin.
2 Petitioner, you'll be going first. Do you wish to reserve any of your 45
3 minutes for rebuttal?

4 MR. WEINSTEIN: If it's okay with you, Your Honor, I'd like to
5 reserve 15 minutes.

6 JUDGE BAER: Great. We'll put 30 minutes on the clock and you
7 may start when you are ready.

8 MR. WEINSTEIN: Thank you very much, Your Honor. As Your
9 Honor referenced, the parties have filed demonstrative exhibits. I'm going
10 to be referring to ours, that, for the record, is Exhibit 1023. Petitioner's
11 demonstrative exhibit, and obviously, like all these arguments, we're going
12 to be skipping around, depending on where the flow of the argument takes
13 us and where the questions from the Panel take us.

14 I'll go straight to Slide 4. There's only been one instituted ground
15 of IPR, it's a single ground, it's the only ground that was proposed, it covers
16 all of the asserted claims, and it's a three-item combo of Galli, Crane, and
17 Miyaji.

18 Now, the arguments in the post-institution record has really revealed
19 that the arguments and the disputes really only relate to the independent
20 claims and dependent Claim 6. The vast majority of the arguments are
21 directed at those two issues.

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