

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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IPR2019-00942  
Patent 8,677,250 B2

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

BAER, *Administrative Patent Judge.*

JUDGEMENT  
Final Written Decision  
Determining No Challenged Claims Unpatentable  
*35 U.S.C. § 318(a)*

## I. INTRODUCTION

Facebook, Inc., Instagram, LLC, and WhatsApp Inc., (“Petitioner”) filed a Petition (Paper 2, “Pet.”), requesting an *inter partes* review of claims 1, 4–6, 8, 9, and 12–14 of U.S. Patent No. 8,677,250 B2 (Ex. 1001, “the ’250 patent”). Patent Owner Blackberry Limited filed a Preliminary Response (Paper 6, “Prelim. Resp.”). Pursuant to our authorization, Petitioner additionally filed a Reply (Paper 7) and Patent Owner filed a Sur-Reply (Paper 10). Upon consideration of the Petition, Preliminary Response, Reply and Sur-Reply, we instituted *inter partes* review of all challenged claims on all grounds raised. Paper 11 (“Dec. Inst.”).

Patent Owner filed a Response to the Petition (Paper 22, “PO Resp.”) and Petitioner filed a Reply (Paper 30, “Pet. Reply”). Patent Owner filed a Sur-Reply (Paper 34, “PO Sur-Reply”). An oral hearing was held on September 8, 2020, and the hearing transcript is included in the record. *See* Paper 40 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6(b). This is a Final Written Decision under 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons set forth below, we find Petitioner has not shown by a preponderance of evidence that claims 1, 4–6, 8, 9, and 12–14 of the ’250 patent are unpatentable.

### A. RELATED PROCEEDINGS

The parties identify the following related matters:

*BlackBerry Ltd. v. Facebook, Inc.*, Case No. 2:18-cv-01844-GW-KS (C.D. Cal.); *Facebook, Inc. v. BlackBerry Ltd.*, Case No. IPR2019-00516; *Facebook, Inc. v. BlackBerry Ltd.*, Case No. IPR2019-00528; *Facebook, Inc. v. BlackBerry Ltd.*, Case No. IPR2019-00706; *Facebook, Inc. v. BlackBerry*

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*Ltd.*, Case No. IPR2019-00787; *Facebook, Inc. v. BlackBerry Ltd.*, Case No. IPR2019-00899; *Facebook, Inc. v. BlackBerry Ltd.*, Case No. IPR2019-00923; *Facebook, Inc. v. BlackBerry Ltd.*, Case No. IPR2019-00924; *Facebook, Inc. v. BlackBerry Ltd.*, Case No. IPR2019-00925; *Facebook, Inc. v. BlackBerry Ltd.*, Case No. IPR2019-00940; *Facebook, Inc. v. BlackBerry Ltd.*, Case No. IPR2019-00941. Pet. 1; Paper 4, 2–3.

#### B. THE '250 PATENT

The '250 patent is directed to integrating a game application with an instant messaging (IM) application. Ex. 1001, 1:15–19, 2:36–39. Specifically, the '250 patent discloses a technique “for using a contact list entry of an IM contact list interface to designate an IM game in progress to facilitate switching between an IM conversation and an IM game.” *Id.* at 2:36–39. Figure 7B is reproduced below.

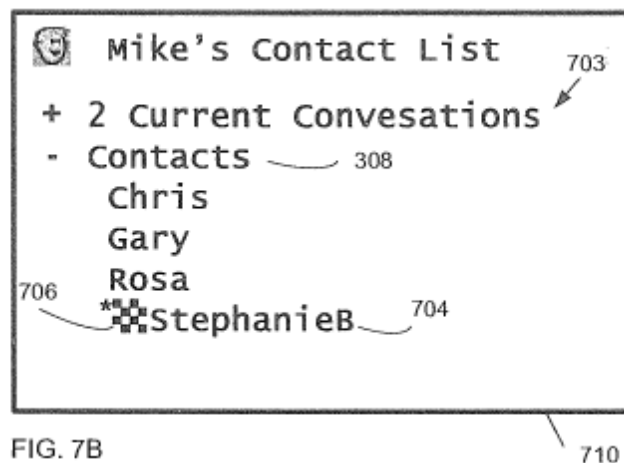


Figure 7B “illustrates a view 710 of contact list 703 depicting contacts 308 in an embodiment where a single individual contact element (e.g. 704) may represent a contact element for both IM conversation and IM game purposes.” *Id.* at 10:60–64. Selecting a contact element invokes a menu that

allows the user to open either a conversation or game screen. *Id.* at 11:11–21.

Figure 5B is reproduced below.

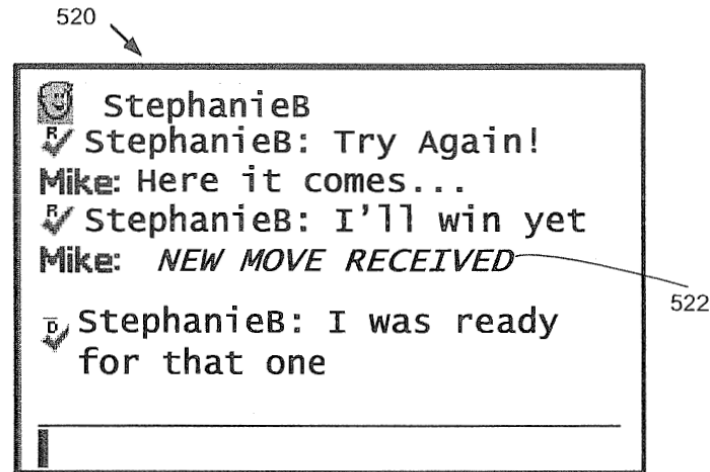


FIG. 5B

Figure 5B is an example of an IM view of a current conversation interface.

*Id.* at 10:8–9.

As a new move is received from the contact in the associated game in progress, a notification of the new move 522 is presented in the conversation screen (e.g. portion 504) in a manner similar to how a new message is presented. The user may then select and open or switch (not shown) to the game in progress from the conversation interface 520.

*Id.* at 10:10–15.

### C. ILLUSTRATIVE CLAIM

Petitioner challenges claims 1, 4–6, 8, 9, and 12–14. Challenged claims 1 and 9 are independent. Claim 1 is illustrative and is reproduced below:

1. A method of enabling a game to be played on an electronic device, the method comprising:

enabling a game application on the electronic device to utilize a contact list for an instant messaging application for playing

games with contacts in the contact list by identifying game play in the contact list;

during a game in progress with a particular contact in the contact list, preparing game messages to be sent to the particular contact by including game progress data in an instant messaging message and an identifier to associate the data with the game application;

communicating at least one game message during the game in progress with the particular contact using an instant messaging system used by the instant messaging application;

displaying at least one instant message in an instant messaging conversation user interface associated with the particular contact indicative of game progress, the instant messaging conversation user interface enabling additional instant messages to be sent to the particular contact in addition to instant messages indicating game play; and

displaying a game in progress user interface associated with the game play, after detecting a selection in the instant messaging conversation user interface to switch to the game in progress.

*Id.* at 13:18–43.

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