Facebook

Facebook is undoubtedly one of the biggest social media platforms to date. With a purported 2.27 billion users, Facebook has cemented it’s spot as one of the most popular sites for social media. Moreover, Facebook also acquired extremely popular apps and programs such as Instagram and WhatsApp. But these aren’t the only assets Facebook has attained.

Facebook also has several patents assigned to it. Subsequently, Facebook has filed suit against another well-known tech giant, Blackberry.

What are the patents at issue?

In its complaint, Facebook stated that BlackBerry infringed on 6 of its patents. The 6 patents and the abstract given in each patent is stated below.

1. **U.S. Patent No. 8, 429, 231** is an invention for “Voice instant Messaging.” The invention is stated to be an invention for “[s]ystems and techniques for transferring electronic data include enabling instant messaging communication between a sender an at least one recipient through an instant messaging host. In addition, voice communication is enabled between the sender and the recipient through the instant messaging host.
2. **U.S. Patent No. 7, 567, 575** is titled “Personalized multimedia services using a mobile service platform.” The patent states that the invention is a “method for providing multimedia data from at least one controllable multimedia source to a mobile device includes providing a request path from the mobile device to a mobile service platform, receiving a request from the mobile device, obtaining a device profile from the mobile device, authenticating the identity of a user of the mobile device, and determining a user profile in response to the user identity.”
3. **U.S. Patent No. 6,356, 841 is a “G.P.S. management system**.” The invention is stated to be a “management system using Global Positioning System receivers for tracking remote units from a central office and quickly and conveniently determining if those remote units have varied from a set of predetermined parameters of operation.”
4. **U.S. Patent No. 7, 228, 432** is titled as “Method and apparatus for providing security for a computer system.” The invention is a “method and apparatus for providing security for a computer system, which includes generating a request for a file. The request is received at a dedicated security processor, where the dedicated security processor may access the file to validate the requested file. Upon determining that the requested file is valid, the dedicated security processor may provide the requested file to another processor.”
5. **U.S. Patent No. 6, 744, 759** which is a “System and method for providing user-configured telephone service in a data network system.” The invention is a “system and method for providing user-configured telephone service to a user of a data network telephone. The user connects a data network telephone to the data network. The data network telephone registers with a telephone connection server to have basic calling service. The user accesses a service provider server to enter feature selections. The service provider server may use a web page to query the user for feature selections The service provider server uses the user's selections to update the user's account and to activate the selected features.”
6. **U.S. Patent No. 7, 302, 698** is an “Operation of trusted state in computing platform.” The invention is stated to be a “computing entity comprises a trusted monitoring component having a first processing means and a first memory means, the trusted monitoring component being a self-contained autonomous data processing unit, and a computer platform having a main processing means and a main memory area, along with a plurality of associated physical and logical resources such as peripheral devices including printers, modems, application programs, operating systems and the like.”

What is patent infringement

A patent holder has the right to make, use, sell, offers for sale, or import into the United States a patented invention. Anyone or any entity who engages in any of the stated above activities without authorization would thus be committing patent infringement.

What’s going to happen?

Facebook is a very large company with a massive amount of asset and resources. However, bringing a patent infringement suit is still extremely costly, even for Facebook. A lawsuit this big could cost both parties millions in the long run. However, the lawsuit may be avoided if BlackBerry is able to successfully challenge and have these patents invalidated through inter partes review (“IPR”). Although still extremely costly, IPR is still cheaper in the long run compared to litigation.

What’s IPR?

IPR is an administrative proceeding where the Patent Trial and Appeal Board assesses the validity of an already issued patent. However, an IPR proceeding can only be initiated 9 months after the patent issues. Any challenge to the patent before then would need to be under a post grant review.

Under IPR, the patent can be challenged on novelty or obviousness grounds. Novelty assesses whether there is any prior art that anticipates the invention at issue while obviousness looks to whether the invention was obvious to one with ordinary skill in the art.

Are there other alternatives?

Facebook and BlackBerry can still elect to settle the case rather than bring the case to court. But with both parties being large companies, the settlement amount could be extremely high. Whether the parties elect to settle or not will depend on several factors. One of the factors will be the chances of BlackBerry prevailing in an IPR proceeding.

This is significant because if the patents are invalidated, then there are no longer any patents at issue. Only with a valid patent can Facebook bring the case forward.

What are your thoughts on the lawsuit? Leave a comment below to let us know what you think!

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