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OBJECTIVE

Objective of the instant sample study was to perform an exemplary Infringement Analysis. We have reviewed multiple official and third party websites, literature, videos, on-device testing, blogs, whitepapers, etc of WhatsApp™ to collect and map the evidences against Claim 7 of issued patent US 7,865,563, currently owned by Microsoft.

EXEMPLARY PATENT Vs PRODUCT

US7865563

Persisting a group in an instant messaging application

- **Status** *Granted*
- **Priority Date** *28 Aug 2008*
- **Filing Date** *28 Aug 2008*
- **Issued Date** *04 Jan 2011*
- **Assignee** *Microsoft*

WhatsApp

- **Released Date** *2010*
- **Owned by** *Facebook*
- **Market Status** *Currently Operational*
- **Feature** *Group Chat*
- **Workaround** *Does not seem to be tweaked. Entire feature has to be disabled.*

US Application No: 12/200,411

Exemplary Claim Mapping: Claim 7 Vs. WhatsApp Group Chat Feature

Claim Elements	Product: WhatsApp
A method comprising the following acts	
(a) causing a processor to receive a request to include a plurality of entities in an instant messaging group in an instant messaging application;	Yes (Slide 5)
(b) causing the processor to create a persistent instant messaging group in response to the received request, wherein the persistent instant messaging group includes the plurality of entities, wherein the persistent instant messaging group is automatically persisted across multiple sessions of use of the instant messaging application;	Yes (Slides 6-7)
(c) causing the processor to receive an instant message from a first entity in the persistent instant messaging group by way of the instant messaging application, wherein the received instant message is directed to the persistent instant messaging group;	Yes (Slide 8)
(d) causing the processor to transmit the received instant message to at least each member of the persistent messaging group who is logged into the instant messaging application; and	Yes (Slide 9)
(e) causing the processor to transmit the received instant message as an offline message to each member of the persistent messaging group who is not logged into the instant messaging application.	Yes(Slide 10)

Claim Mapping: Claim 7 Vs. WhatsApp Group Chat Feature

Claim Elements -

(a) causing a processor to receive a request to include a plurality of entities in an instant messaging group in an instant messaging application;

Comments:

It is evident that WhatsApp works on Smartphone, which includes a processor to execute various WhatsApp operations.

Plurality of entities are considered as chat participants

Instant messaging application is considered as WhatsApp messenger.


How it works

WhatsApp Messenger is a cross-platform mobile messaging app which allows you to exchange messages without having to pay for SMS. WhatsApp Messenger is available for iPhone, BlackBerry, Android, Windows Phone and Nokia and yes, those phones can all message each other! Because WhatsApp Messenger uses the same internet data plan that you use for email and web browsing, there is no cost to message and stay in touch with your friends.

In addition to basic messaging WhatsApp users can create groups, send each other unlimited images, video and audio media messages.

Adding participants

You must be a group admin to add participants to an existing Group Chat. A group can have 256 participants. To add participants:

1. Go to the group in WhatsApp.
2. Tap the subject of the group.
3. Tap  **Add Participant**.
4. Search for or select contacts to add to the Group Chat.

Claim Mapping: Claim 7 Vs. WhatsApp Group Chat Feature

Claim Elements -

(b) causing the processor to create a persistent instant messaging group in response to the received request wherein the persistent instant messaging group includes the plurality of entities, wherein the persistent instant messaging group is automatically persisted across multiple sessions of use of the instant messaging application;

Comments:

The created group automatically persists forever unless it is explicitly deleted.

Creating a group

You may create an unlimited number of groups. To create a group:

1. Open WhatsApp and go to the **Chats** tab.
2. Tap the **Menu Button** > **New Group**.
3. Type in a subject or title. This will be the name of the group that all participants will see.
4. Add an icon for the group by tapping on the empty photo box. This will show up next to the group in your Chats list.
5. Tap **Next**.
6. Add a group participant by selecting **+** or by typing the name of the contact.
7. Tap **Create** when you are finished.

Claim Mapping: Claim 7 Vs. WhatsApp Group Chat Feature

Claim Elements -

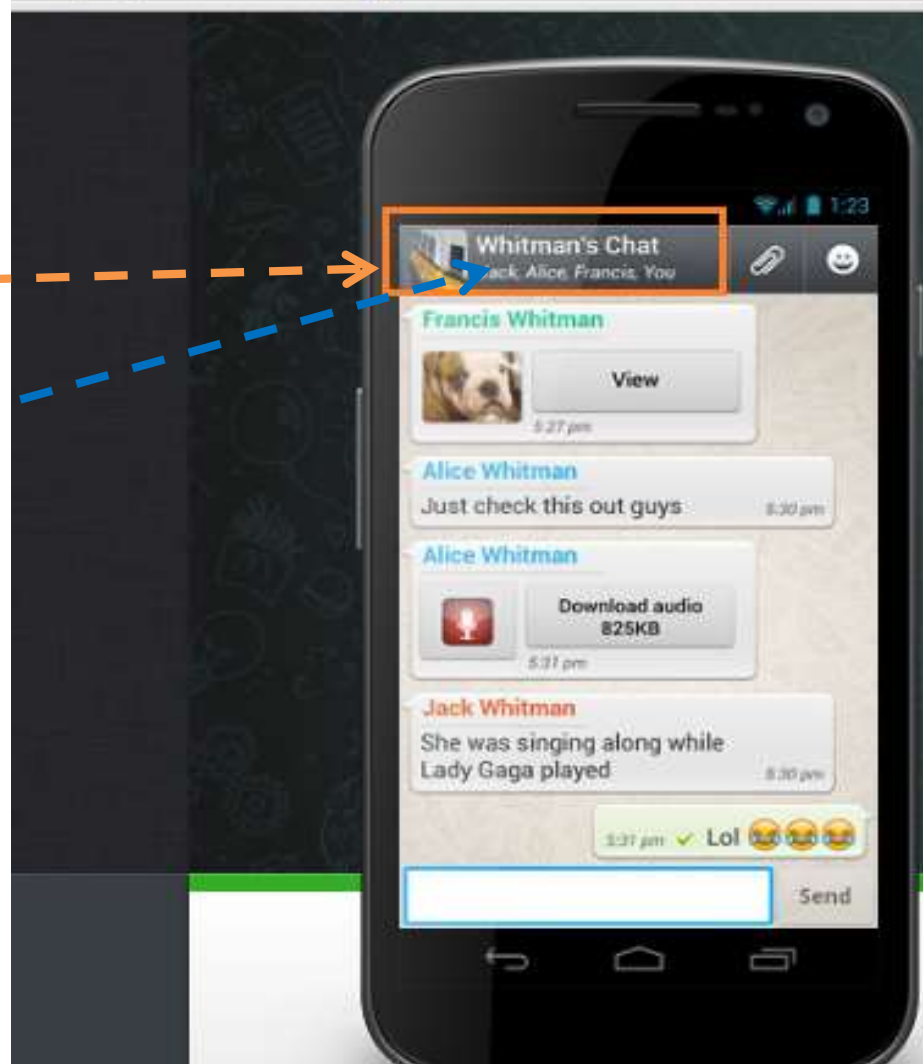
(b) causing the processor to create a persistent instant messaging group in response to the received request, wherein the persistent instant messaging group includes the plurality of entities, wherein the persistent instant messaging group is automatically persisted across multiple sessions of use of the instant messaging application;

Comments:

A mobile device is depicting screen of a Smartphone, which displays a group created as "Whitman's Chat".

Group consists of participants as Jack, Alice, Francis. and a group creator as "You".

<https://www.whatsapp.com>



Claim Mapping: Claim 7 Vs. WhatsApp Group Chat Feature

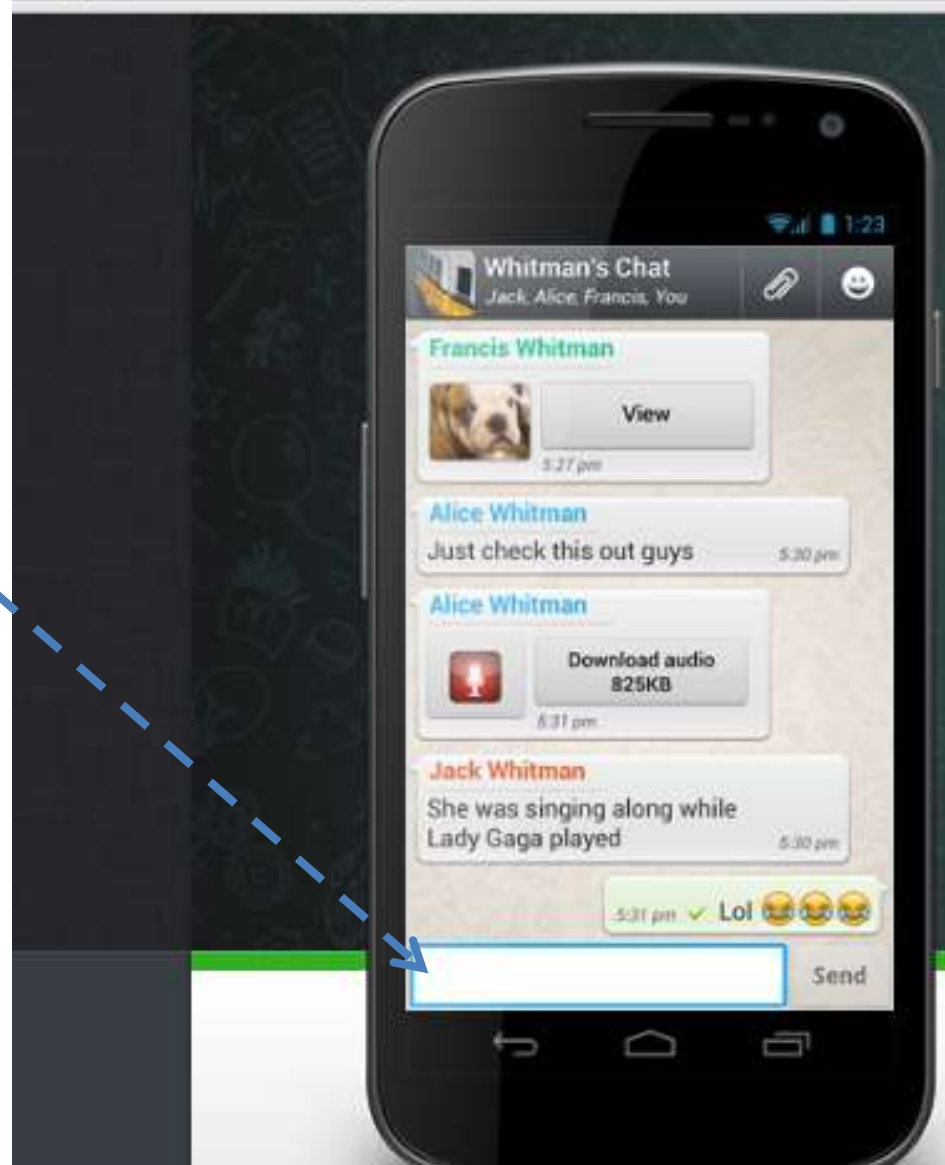
<https://www.whatsapp.com>

Claim Elements -

(c) causing the processor to receive an instant message from a first entity in the persistent instant messaging group by way of the instant messaging application, wherein the received instant message is directed to the persistent instant messaging group;

Comments:

As illustrated, encircled blue color portion depicts a textbox, where a participant (Jack, Alice etc.) types (WhatsApp receives) an instant message and sends in the group by tapping on "Send".



Claim Mapping: Claim 7 Vs. WhatsApp Group Chat Feature

Claim Elements -

(d) causing the processor to transmit the received instant message to at least each member of the persistent messaging group who is logged into the instant messaging application; and

The contents of messages that have been delivered by the WhatsApp Service are not copied, kept or archived by WhatsApp in the normal course of business. The WhatsApp Service is meant to be a SMS replacement, using data service through a user's phone (either via cell network or wifi). Users type their messages, which are sent via data service to our servers, and routed to the intended recipient (who must also be a WhatsApp user), if that recipient is online. If the recipient is not online, the undelivered message is held in WhatsApp's server until it can be delivered. If the

<https://www.whatsapp.com/faq/en/s60/20910578>

➤ You can also make sure WhatsApp uses Wi-Fi whenever available rather cellular data:

1. Open WhatsApp and go to **Options > Settings > Network > Connect priority**.
2. Make sure the priority is set to **Wi-Fi, Cellular**.

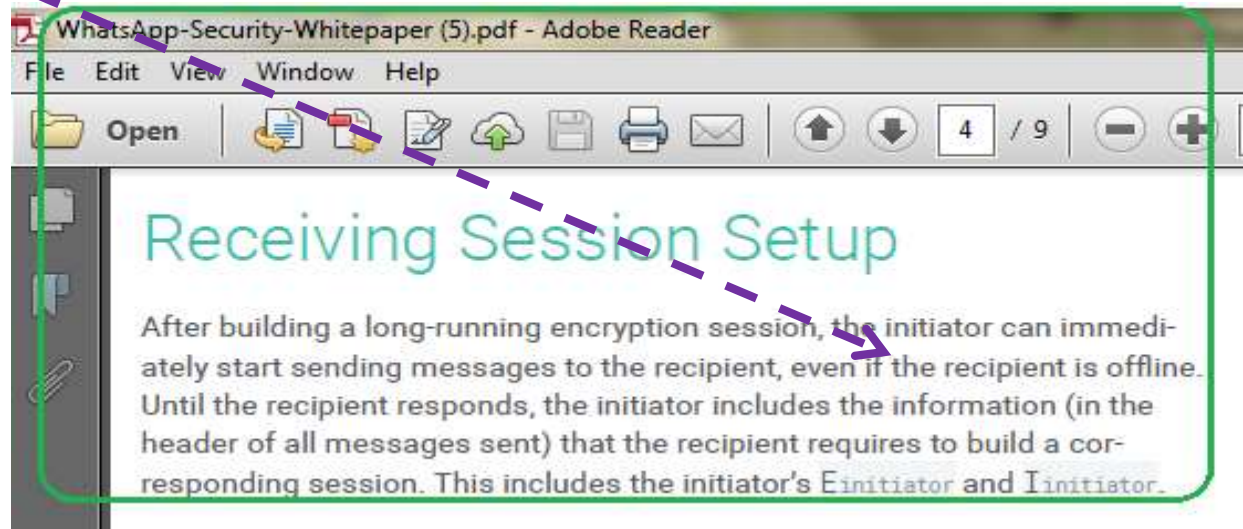
However, WhatsApp strongly recommends that you have an **unlimited data plan**. WhatsApp works by using your Internet data plan to send and receive messages (just like emailing). So, if you do not have an unlimited data plan, WhatsApp may consume your data allowance and your mobile service provider may charge you accordingly.

Claim Mapping: Claim 7 Vs. WhatsApp Group Chat Feature

Claim Elements -

(e) causing the processor to transmit the received instant message as an offline message to each member of the persistent messaging group who is not logged into the instant messaging application.

The contents of messages that have been delivered by the WhatsApp Service are not copied, kept or archived by WhatsApp in the normal course of business. The WhatsApp Service is meant to be a SMS replacement, using data service through a user's phone (either via cell network or wifi). Users type their messages, which are sent via data service to our servers, and routed to the intended recipient (who must also be a WhatsApp user), if that recipient is online. If the recipient is not online, the undelivered message is held in WhatsApp's server until it can be delivered. If the



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