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12 BlackBerry Limited

13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15

16 BLACKBERRY LIMITED, a
17 Canadian corporation,

18 Plaintiff,

19 v.

20 TWITTER, INC., a Delaware
21 corporation

22 Defendant.
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CASE NO. 2:19-cv-1444

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff BlackBerry Limited (“BlackBerry” or “Plaintiff”) hereby asserts the following claims for patent infringement against Defendant Twitter, Inc. (“Twitter” or “Defendant”), and alleges as follows:

SUMMARY

1. *BlackBerry Pioneers Mobile Messaging* - BlackBerry has been a leading innovator in the field of mobile communications for the past 30 years, having invested substantial sums into research and development of communications technologies. BlackBerry’s innovations led to the commercialization of some of the earliest models of smartphones in the United States, enabling its users to, among other things, send and receive e-mails securely and surf the internet anytime and anywhere. These same innovations prompted the rise of the smartphone as a necessary everyday accessory for businesspersons and ordinary consumers alike.

2. One example of BlackBerry’s innovations is the BlackBerry Messenger technology, which revolutionized instant messaging by providing users with secure, user-friendly, point-to-point instant messaging on their mobile devices. In many respects, through BlackBerry Messenger and other research and development, BlackBerry helped pioneer modern mobile messaging—secure, instant and user friendly on a mobile device. The appeal and success of BlackBerry Messenger led consumers to consider instant messaging functionality as an integral aspect of mobile communications, resulting today in billions of people worldwide engaging in instant messaging over their mobile devices.

3. As an innovator, BlackBerry took many steps to safeguard this valuable intellectual property. It received numerous patents protecting the cutting-edge features of its mobile phones, BlackBerry Messenger, and other communications applications that make such products secure, easy-to-use, and ultimately engaging to the end-user, thereby driving user growth and retention.

1 4. ***Defendant Later Develops Competing Applications that Improperly***
2 ***Use BlackBerry's Mobile Messaging Intellectual Property*** - Defendant, on the
3 other hand, is a relative latecomer to the mobile messaging world. Defendant
4 created mobile messaging applications that co-opt BlackBerry's innovations, using a
5 number of the innovative user interface and functionality enhancing features that
6 made BlackBerry's products such a critical and commercial success in the first
7 place.

8 5. The Patents-in-Suit cover, for example:

9 (a) ***User Interface Improvements For Mobile Devices***—including (i)
10 improvements in message notification techniques that streamline and
11 optimize reception of new message notifications that prevent users from being
12 inundated with numerous messaging notifications, (ii) resetting a new
13 message indicator when a user accesses their inbox list of messaging
14 conversations, which saves users from having to individually view each
15 conversation in which there is a new message in order to reset their new
16 message indicator;

17 (b) ***Messaging and Social Networking Improvements for Mobile Devices***—
18 including (i) improved techniques for determining whether a recipient has
19 read messages in a conversation by inferring the status of one or more of the
20 messages, thereby reducing data transmissions, power consumption and
21 improving battery life in mobile devices, and (ii) improved techniques for
22 making informational content, selected by one user, available to one or more
23 other users via a data hub server that avoids users having to download and re-
24 upload content that they wish to share, thereby reducing unnecessary data
25 transmissions, power consumption and improving battery life in mobile
26 devices; and

27 (c) ***Mobile Advertising***—improved techniques of delivering targeted
28 advertising and content to mobile devices based on user demographics and

1 interest, as well as the location of the user's mobile device and time-based
2 triggers.

3 6. *Defendant's Use of BlackBerry's Mobile Messaging Innovations*
4 *Harms BlackBerry and Provides an Undeserved Windfall to Defendant—*

5 Defendant's use of BlackBerry's inventions, and infringement of the Patents-in-Suit,
6 has succeeded in diverting consumers away from BlackBerry's products and
7 services and toward those of Defendant. This has resulted in a substantial and
8 undeserved windfall for Defendant as these users drive Defendant's revenue.
9 Defendant's gain comes at BlackBerry's expense, depriving BlackBerry of revenue
10 to which it is entitled as a result of its inventions.

11 7. BlackBerry attempted to resolve this dispute without resorting to
12 litigation. For example, Blackberry reached out to Defendant's General Counsel in
13 June and July 2017 regarding BlackBerry's patent portfolio and, among other
14 things, identified two of the Patents-in-Suit as being infringed by Defendant. *See*
15 *Ex. H*, attached hereto. However, Defendant has refused to adequately compensate
16 BlackBerry for its use of BlackBerry's intellectual property. Through this suit,
17 BlackBerry seeks redress for the harm caused by Defendant's unlawful use of
18 BlackBerry's intellectual property.

19 **INTRODUCTION TO BLACKBERRY**

20 8. For more than 30 years, BlackBerry has been a leading innovator in the
21 mobile communications industry. BlackBerry's cutting-edge wireless
22 communication products and services have transformed the way people around the
23 world connect, converse, and share digital information.

24 9. BlackBerry was founded in 1984 in Waterloo, Ontario by two
25 engineering students, Mike Lazaridis and Douglas Fregin. In its early years, the
26 company—then named Research In Motion (“RIM”)—focused its inventive
27 energies on wireless data transmission.

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1 10. From its modest beginnings more than 30 years ago, BlackBerry has
2 gone on to offer a portfolio of award-winning products, services, and embedded
3 technologies to tens of millions of individual consumers and organizations around
4 the world, including governments, and educational institutions. By transforming the
5 way people communicate, BlackBerry laid a foundation for today's multibillion-
6 dollar modern smartphone industry. BlackBerry's innovations in mobile
7 communications continue to this day through BlackBerry's award-winning software
8 platform and devices, which enable and manage security, mobility, and
9 communications between and among hardware, programs, mobile applications, and
10 the Internet of Things (IoT).

11 11. In the course of developing its ground-breaking mobile
12 communications systems, BlackBerry (and the BlackBerry family of companies)
13 invented a broad array of technologies that cover everything from enhanced security
14 and cryptographic techniques, to mobile device user interfaces, instant messaging
15 functionality, communication servers, and many other areas. To take just one
16 example, security posed a critical challenge for BlackBerry to address when
17 bringing its mobile devices to market. Commercial acceptance of such mobile
18 devices required providing mechanisms to ensure safe and secure communications
19 so that users and businesses could be confident that their confidential and private
20 information stayed that way in the face of ever-increasing security threats. As a
21 result of its innovative technologies, BlackBerry has been universally recognized as
22 the gold standard when it comes to safe and secure data communications over
23 mobile devices.

24 12. Indeed, throughout its history, BlackBerry has demonstrated a
25 commitment to innovation, including through its investments in research and
26 development, which have totaled more than \$5.5 billion over the past decade.
27 BlackBerry has protected the technical innovations resulting from these investments,
28

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