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11 Attorneys for Plaintiff
 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.
 23
 24
 25
 26
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CASE NO. 2:19-cv-1444-GW (KSx)

**FIRST AMENDED COMPLAINT
 FOR PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

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, (ii) improved techniques for making
22 informational content, selected by one user, available to one or more other
23 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 (iii) improving engagement in social networking platforms by
27 selectively adjusting notification of social media messages containing certain
28

1 content, such as rapidly spreading misinformation or untruthful, derogatory or
2 defamatory statements, and other undesirable or offensive content; and

3 (c) *Mobile Advertising*—improved techniques of delivering targeted
4 advertising and content to mobile devices based on user demographics and
5 interest, as well as the location of the user’s mobile device and time-based
6 triggers.

7 6. *Defendant’s Use of BlackBerry’s Mobile Messaging Innovations*
8 *Harms BlackBerry and Provides an Undeserved Windfall to Defendant*—

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

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

23 **INTRODUCTION TO BLACKBERRY**

24 8. For more than 30 years, BlackBerry has been a leading innovator in the
25 mobile communications industry. BlackBerry’s cutting-edge wireless
26 communication products and services have transformed the way people around the
27 world connect, converse, and share digital information.

28

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

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

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

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