

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MAXELL, LTD.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. _____
	)	
BLACKBERRY CORPORATION and	)	<b>JURY TRIAL DEMANDED</b>
BLACKBERRY LTD.,	)	
	)	
Defendants.	)	
	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Maxell, Ltd. (“Maxell”), by and through its undersigned counsel, files this complaint under 35 U.S.C. § 271 for Patent Infringement against Defendants BlackBerry Corporation and BlackBerry Ltd. (collectively, “Defendants”) and further alleges as follows, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to all other matters.

**OVERVIEW**

1. This is an action for patent infringement brought by Maxell. Founded in 1961 as Maxell Electric Industrial Co., Ltd., Maxell is a leading global manufacturer of information storage media products, including magnetic tapes, optical discs, and battery products such as lithium ion rechargeable micro batteries and alkaline dry batteries, and the company has over 50 years of experience producing industry-leading recordable media and energy products for both the consumer and the professional markets.

2. Maxell has built an international reputation for excellence and reliability, for pioneering the power supplies and digital recording for today's mobile and multi-media devices, and leading the electronics industry in the fields of storage media and batteries.

3. Since being one of the first companies to develop alkaline batteries and Blu Ray camcorder discs, Maxell has always assured its customers of industry leading product innovation and is one of the world's foremost suppliers of memory, power, audio, and visual goods.

4. As set forth below, in 2009 Hitachi, Ltd. assigned intellectual property, including the patents in this case, to Hitachi Consumer Electronics Co., Ltd. Then, in 2013, Hitachi Consumer Electronics Co., Ltd. assigned the intellectual property, including the patents in this case, to Hitachi Maxell, Ltd., which later assigned the patents to Maxell as a result of a reorganization and name change. This was an effort to align its intellectual property with the licensing, business development, and research and development efforts of Maxell, including in the mobile and mobile-media device market (Hitachi, Ltd., Hitachi Consumer Electronics Co., Ltd., and Hitachi Maxell, Ltd. are referred to herein collectively as "Hitachi"). Maxell continues to sell products in the mobile device market including wireless charging solutions, wireless flash drives, multimedia players, storage devices, and headphones. Maxell also maintains intellectual property related to televisions, tablets, digital cameras, and mobile phones. As a mobile technology developer and industry leader, and due to its historical and continuous investment in research and development, Maxell owns a portfolio of patents related to such technologies and actively enforces its patents through licensing and/or litigation. Maxell is forced to bring this action against Defendants as a result of Defendants' knowing and ongoing infringement of Maxell's patents.

### **PARTIES**

5. Plaintiff Maxell, Ltd. is a Japanese corporation with a registered place of business at 1 Koizumi, Oyamazaki, Oyamazaki-cho, Otokuni-gun, Kyoto, Japan.

6. On information and belief, Defendant BlackBerry Ltd. is a Canadian company with a principal place of business at 2200 University Ave. E Waterloo, ON, Canada N2K 0A7.

7. On information and belief, Defendant BlackBerry Corporation is a Delaware corporation with a principal place of business located at 6700 Koll Center Parkway, #200, Pleasanton, California 94566.

8. On information and belief, Defendant BlackBerry Corporation is in the business of providing information and communications technology solutions. Specifically, BlackBerry Corporation provides wireless telecommunications equipment, including smart phones, tablets, and mobile phones.

### **NATURE OF THE ACTION, JURISDICTION, AND VENUE**

9. Maxell brings this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 et seq.

10. This Court has subject matter jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the action arises under the patent laws of the United States.

11. The Court has personal jurisdiction over the Defendants because (1) Maxell's claims arise in whole or in part from Defendants' conduct in Delaware; (2) BlackBerry Corporation is organized under the laws of Delaware, maintains continuous and systematic

contacts within the state of Delaware, and has filed suits against other parties in this jurisdiction; (3) Defendants have committed a tortuous act causing injury within the state of Delaware, namely, one or more acts of patent infringement as alleged herein; and (4) Defendants are subject to personal jurisdiction under the provisions of the Delaware Long Arm Statute, Del. Code. Ann. Tit. 3 § 3104, by virtue of the fact that, upon information and belief, Defendants have availed themselves of the privilege of conducting and soliciting business within this State, including engaging in at least some of the infringing acts alleged herein through the sales and marketing of infringing products in this State. The allegations and claims set forth in this action arise out of Defendants' infringing activities in this State, as well as by others acting as Defendants' agents and/or representatives, such that it would be reasonable for this Court to exercise jurisdiction consistent with the principles underlying the U.S. Constitution, and would not offend traditional notions of fair play and substantial justice.

12. Upon further information and belief, Defendants have also established minimum contacts with this District and regularly transact and do business within this District, including advertising, promoting and selling products over the internet, through intermediaries, representatives and/or agents located within this District, that infringe Maxell's patents, which products are then sold, packaged, and shipped directly to citizens residing within this State and this District. Upon further information and belief, Defendants have purposefully directed activities at citizens of this State and located within this District.

13. On information and belief, Defendants have purposefully and voluntarily placed their products into the stream of commerce with the expectation that they will be purchased and used by customers located in the State of Delaware and the District of Delaware. On information

and belief, Defendants' customers in the District of Delaware have purchased and used and continue to purchase and use Defendants' products.

14. Venue in the District of Delaware is proper pursuant to 28 U.S.C. §§ 1391 and 1400 because BlackBerry Corporation and/or its agent resides or may be found in this District, and BlackBerry Ltd. is not a resident of the United States and may, therefore, be sued in any judicial district.

**COUNT 1- INFRINGEMENT OF U.S. PATENT NO. 6,580,999**

15. Maxell incorporates paragraphs 1-14 above by reference.

16. U.S. Patent No. 6,580,999 (the "999 Patent," attached hereto as Exhibit A) duly issued on June 17, 2003, and is entitled *Portable Terminal With the Function of Walking Navigation*.

17. Maxell is the owner by assignment of the '999 Patent and possesses all rights of recovery under the '999 Patent, including the exclusive right to recover for past and future infringement.

18. On May 4, 2017, Hitachi contacted Mr. Mark Kokes, the Senior Vice President of Blackberry, to engage in discussions regarding the potential licensing of Hitachi's patents, including the '999 Patent.

19. Defendants have directly infringed one or more claims of the '999 Patent in this judicial district and elsewhere in the United States, including at least claims 1-6 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale

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