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BLACKBERRY CORPORATION

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BlackBerry Limited

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

BLACKBERRY LIMITED, a)
Canadian corporation,)
)
Plaintiff,)

v.)

FACEBOOK, INC., a Delaware)
corporation, WHATSAPP INC., a)
Delaware corporation, and)
INSTAGRAM, INC., a Delaware)
corporation, and INSTAGRAM, LLC,)
a Delaware limited liability company)

Defendants.

CASE NO. 2:18-cv-01844

**[FIRST AMENDED]
COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff BlackBerry Limited (“BlackBerry” or “Plaintiff”) hereby asserts the following claims for patent infringement against Defendants Facebook, Inc., WhatsApp Inc., Instagram, Inc., and Instagram, LLC (collectively, “Defendants”), 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 device.

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.

4. ***Facebook and its Companies Later Develop Competing Applications that Improperly Use BlackBerry's Mobile Messaging Intellectual Property*** - Defendants, on the other hand, are relative latecomers to the mobile messaging world. Defendants created mobile messaging applications that co-opt BlackBerry's innovations, using a number of the innovative security, user interface, and functionality enhancing features that made BlackBerry's products such a critical and commercial success in the first place. These include the features covered by the Patents-in-Suit.

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

(a) ***Security Improvements***—improved cryptographic techniques that establish and maintain security over user messages and provide the requisite trust necessary for user adoption of a messaging platform for their communication needs;

(b) ***User Interface Improvements For Mobile Devices***—including (i) improvements in message notification techniques that streamline and optimize reception of new message notifications that prevent users from being inundated with numerous messaging notifications, (ii) display of timestamps in a messaging user interface that provides users with appropriate temporal context for their communications without overtaking the user's screen with unnecessary information, and (iii) tagging friends and family in social media photographs;

(c) ***Combining Mobile Gaming And Mobile Messaging***—allowing users to more easily interact while playing electronic games;

(d) ***Battery Efficient Status Updates for Mobile Devices***—improved techniques for transmitting status updates based on whether a second device is viewing the status updates, to reduce power consumption and improve battery life in mobile devices; and

(e) ***Mobile Advertising***—improved techniques of delivering targeted

advertising and content to mobile devices based on user demographics and interest, as well as the location of the user's mobile device and time-based triggers.

These features, all invented by BlackBerry, are “table stakes” for modern mobile messaging and social networking.

6. Thus, Defendants have used BlackBerry's own intellectual property to compete with it in the mobile messaging space. These applications are ever expanding, including Facebook Messenger, Facebook Messenger Lite, Facebook Pages Manager, Facebook.com and Facebook Workplace Chat, the WhatsApp Messenger application made by WhatsApp Inc., and the Instagram application made by Instagram, Inc. and Instagram, LLC. The importance of mobile messaging is emphasized by the reported \$19 billion dollars Facebook spent to acquire WhatsApp.

7. ***Defendants' Use of BlackBerry's Mobile Messaging Innovations Harms BlackBerry and Provides Undeserved Windfall to Facebook and its Companies***—Defendants' use of BlackBerry's invention and infringement of the Patents-in-Suit, has succeeded in diverting consumers away from BlackBerry's products and services and toward those of Defendants. This has resulted in a substantial and undeserved windfall for Defendants as these users drive Defendants' revenue. Defendants' gain comes at BlackBerry's expense, depriving BlackBerry of revenue to which it is entitled as a result of its inventions.

8. BlackBerry attempted to resolve this dispute without resorting to litigation. It first reached out to Defendants Facebook's and WhatsApp's respective General Counsel in April 2016 – nearly two years ago – regarding BlackBerry's patent portfolio, and followed up with additional communications including emails, calls, and requests for a meeting. Defendants, however, refused to adequately compensate BlackBerry for their use of BlackBerry's intellectual property. Through this suit, BlackBerry seeks redress for the harm caused by Defendants' unlawful use

of BlackBerry's intellectual property.

INTRODUCTION TO BLACKBERRY

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

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

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

12. In the course of developing its ground-breaking mobile communications systems, BlackBerry (and the BlackBerry family of companies) has invented a broad array of new technologies that cover everything from enhanced security and cryptographic techniques, to mobile device user interfaces, instant messaging functionality, communication servers, and many other areas. To take just one example, security posed a critical challenge for BlackBerry to address when bringing its mobile devices to market. Commercial acceptance of such mobile devices required providing mechanisms to ensure safe and secure communications

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