

1 I. NEEL CHATTERJEE (STATE BAR NO. 173985)
nchatterjee@goodwinlaw.com
2 MONTE M.F. COOPER (STATE BAR NO. 196746)
mcooper@goodwinlaw.com
3 ANDREW S. ONG (STATE BAR NO. 267889)
aong@goodwinlaw.com
4 GOODWIN PROCTER LLP
601 Marshall Street
5 Redwood City, California 94063
Telephone: +1-650-752-3100
6 Facsimile: +1-650-853-1038

7 RACHEL M. WALSH (STATE BAR NO. 250568)
rwalsh@goodwinlaw.com
8 GOODWIN PROCTER LLP
Three Embarcadero Center, 28th Floor
9 San Francisco, California 94111
Telephone: +1-415-733-6000
10 Facsimile: +1-415-677-9041

11 Attorneys for Plaintiff
MOBILEIRON, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 MOBILEIRON, INC., a Delaware corporation,
16
Plaintiffs,
17
v.
18
BLACKBERRY CORPORATION, a Delaware
19 corporation, BLACKBERRY LTD., a
Canadian company, and DOES 1-50,
20
Defendants.
21

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT, ATTEMPTED
EXTORTION, VIOLATION OF
CALIFORNIA BUSINESS AND
PROFESSIONS CODE § 17200, AND
DECLARATORY RELIEF OF NON-
INFRINGEMENT, UNCLEAN HANDS
AND PATENT MISUSE**

DEMAND FOR JURY TRIAL

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1 Plaintiff MobileIron, Inc. (“MobileIron”) alleges as follows:

2 **BACKGROUND**

3 1. This is an action to stop the unlawful activities of Blackberry Corporation and
4 BlackBerry Ltd. (collectively, “the Blackberry Defendants”). The Blackberry Defendants built a
5 technology made obsolete. Due to Blackberry’s shrinking presence in the marketplace, it decided
6 to shake companies down by making countless meritless patent assertions to generate licensing
7 revenue instead of competing in the marketplace. The Blackberry Defendants have largely
8 become dependent on licensing revenue by seeking portfolio licenses that include patents they
9 know are statutorily surrendered and by asserting infringement theories through unlawful notice
10 letters that would not pass muster in any court of law and extracting extortionate license fees as it
11 tries to rebuild its company on the backs of other companies’ technologies. MobileIron is the
12 latest target of Blackberry’s unlawful strategy.

13 2. MobileIron, a software company founded in 2007, is a pioneer in enterprise
14 management of mobile security and management for smartphones and tablet computers, such as
15 Apple’s iPhone and Samsung’s Galaxy Android devices. MobileIron’s award-winning and
16 industry-leading Unified Endpoint Management (“UEM”) platform includes passwordless zero
17 sign-on (“ZSO”), multi-factor authentication (“MFA”), and mobile threat defense (“MTD”)
18 capabilities. Together they validate the device, establish user context, check app authorization,
19 verify the network, and detect and remediate threats before granting secure access to a device or
20 user. The result is a seamless, secure user experience that automates access control decisions to
21 ensure that only authorized users, devices, apps, and services can access business resources.
22 MobileIron products and services include UEM, Access, Sentry, Mobile Threat Defense, and
23 AppConnect.

24 3. Blackberry uses revenue derived from its shakedowns to try to reinvent itself and
25 to rebuild its company by taking the pioneering inventions of MobileIron. Blackberry offers
26 products and services with the names “Blackberry Intelligent Security,” “Enterprise Mobility
27 Suite” (which includes a UEM service), “Enterprise BRIDGE,” and “QNX CAR Platform for
28 Infotainment.” All of these products and services infringe MobileIron’s patents, as set forth

1 herein.

2 **THE PARTIES**

3 4. MobileIron is a corporation organized and existing under the laws of the State of
4 Delaware, with its principal place of business at 490 East Middlefield Road, Mountain View,
5 California 94043.

6 5. Upon information and belief, Defendant BlackBerry Corporation is a corporation
7 organized and existing under the law of the State of Delaware, with its principal place of business
8 at 5000 Riverside Drive, Suite 100E, Irving, Texas 75039. On information and belief, Blackberry
9 maintains offices in this district at 331 Fairchild Drive, Mountain View, CA 94024 and 3001
10 Bishop Drive #400, San Ramon, CA 94583.

11 6. Upon information and belief, Defendant BlackBerry Ltd. is a company organized
12 and existing under the laws of the country of Canada, with its principal place of business at 2200
13 University Avenue East, Waterloo, Ontario, Canada, N2K 0A7. Upon information and belief, in
14 2015, Blackberry Limited acquired for \$425 million in cash Good Technology Corporation
15 (“Good Technology”), a company whose headquarters are located at 430 North Mary Avenue,
16 Suite 200, Sunnyvale, California 94085. Upon information and belief, BlackBerry Ltd. continues
17 to operate Good Technology as a wholly owned subsidiary of BlackBerry Ltd.

18 7. MobileIron owns all right, title, and interest in, and has standing to sue for patent
19 infringement of United States Patent No. 8,359,016 (“the ’016 patent”), entitled “Management of
20 Mobile Applications,” issued January 22, 2013. A true and accurate copy of the ’016 patent is
21 attached to this Complaint as Exhibit A.

22 8. MobileIron owns all right, title, and interest in, and has standing to sue for patent
23 infringement of United States Patent No. 9,426,120 (“the ’120 patent”), entitled “Location and
24 Time Based App Policies,” issued August 23, 2016. A true and accurate copy of the ’120 patent
25 is attached to this Complaint as Exhibit B.

26 9. MobileIron owns all right, title, and interest in, and has standing to sue for patent
27 infringement of United States Patent No. 8,869,307 (“the ’307 patent”), entitled “Mobile Posture-
28 Based Policy, Remediation and Access Control for Enterprise Resources,” issued October 21,

1 2014. A true and accurate copy of the '307 patent is attached to this Complaint as Exhibit C.

2 10. MobileIron owns all right, title, and interest in, and has standing to sue for patent
3 infringement of United States Patent No. 10,038,598 (“the '598 patent”), entitled “Leveraging
4 and Extending Mobile Operating System MDM Protocol,” issued July 31, 2018. A true and
5 accurate copy of the '598 patent is attached to this Complaint as Exhibit D.

6 11. Defendants BlackBerry Corporation and/or BlackBerry Ltd. purport to be the
7 owner, assignee, and/or exclusive licensee of, and purport to have all right, title and interest in,
8 and standing to sue for patent infringement of, each of U.S. Patent Nos. 8,005,469 (“the '469
9 patent”); 8,544,084 (“the '084 patent”); 9,282,099 (“the '099 patent”); RE44,746 (“the Reissue
10 '746 patent”); 8,442,489 (“the '489 patent”); 9,270,682 (“the '682 patent”); 7,372,961 (“the '961
11 patent”); 8,931,045 (“the '045 patent”); 8,554,175 (“the '175 patent”); and 9,077,769 (“the '769
12 patent”).

13 JURISDICTION AND VENUE

14 12. This action involves claims for patent infringement arising under the patent laws
15 of the United States, Title 35 of the United States Code, and claims for declaratory relief arising
16 under the Declaratory Judgment Act, Title 28 of the United States Code. This action also
17 involves California state law claims for attempted extortion and for violation of California
18 Business & Professions Code section 17200.

19 13. This Court has subject matter jurisdiction over MobileIron’s claims for
20 infringement against Defendants pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202,
21 because the claims arise under the patent laws of the United States.

22 14. This Court has subject matter jurisdiction under the Declaratory Judgment Act and
23 the patent laws of the United States, more particularly under Title 28 U.S.C. §§ 2201 and 2202
24 and Title 35 U.S.C. §§ 100 *et. seq.*, respectively, with respect to Plaintiff MobileIron’s claims for
25 declaratory relief with respect to patents owned, assigned, and or exclusively licensed to
26 Defendants.

27 15. This Court has supplemental jurisdiction over MobileIron’s state law claims
28 pursuant to 28 U.S.C. § 1367(a) because such claims are so related to the federal claims that they

1 form part of the same case or controversy and derive from a common nucleus of operative facts.

2 16. This Court has personal jurisdiction over the BlackBerry Defendants for purposes
3 of MobileIron's claims for patent infringement because both Defendants transact business in the
4 State of California and have, at a minimum, offered to provide and/or provided in this judicial
5 district and throughout the State of California products and services that infringe claims of the
6 '016, '120, '307 and '598 patents.

7 17. This Court has personal jurisdiction over the BlackBerry Defendants for purposes
8 of MobileIron's claims for declaratory relief because the BlackBerry Defendants have accused
9 MobileIron of providing products and services that the BlackBerry Defendants allege infringe on
10 or more claims of each of the '084, '099, Reissue '746, '489, '682, '961, '045, '175, and '769
11 patents as well as 32 other patents.

12 18. A true and accurate copy of correspondence dated August 26, 2019, in which
13 counsel for BlackBerry Corporation purports to put MobileIron on notice of infringing each of the
14 '469, '084, '099, Reissue '746, '489, '682, '961, '045, '175, and '769 patents, is attached hereto
15 as Exhibit E. A true and accurate copy of correspondence dated March 9, 2020, in which counsel
16 for BlackBerry Corporation again purported to put MobileIron on notice of infringing each of the
17 '469, '084, '099, Reissue '746, '489, '682, '961, '045, '175, and '769 patents, as well as 32 other
18 patents, is attached hereto as Exhibit F. In each instance, Blackberry provided no claim chart or
19 explanation. In fact, at least one of the patents identified in the letters was either surrendered
20 and/or unenforceable as a matter of law.

21 19. Based on the acts, conduct and statements of the BlackBerry Defendants, there
22 exists an actual and substantial controversy, within the meaning of 28 U.S.C. §§ 2201 and 2202,
23 between MobileIron and the BlackBerry Defendants, as to whether MobileIron or any of the
24 products and services sold and/or offered for sale by MobileIron have infringed, or continue to
25 infringe, any of the claims of the '469, '084, '099, Reissue '746, '489, '682, '961, '045, '175, and
26 '769 patents. The existing controversy is of sufficient immediacy and reality to warrant the
27 issuance of a declaratory judgment of non-infringement, as set forth further herein.

28 20. Venue in this district is proper under 28 U.S.C. § 1391 and 1400(b).

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