

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**MAZ ENCRYPTION TECHNOLOGIES
LLC,**

Plaintiff,

v.

**BLACKBERRY LTD., AND
BLACKBERRY CORPORATION,**

Defendant.

Civil Action No. 6:15-cv-1167

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff MAZ Encryption Technologies LLC (“Plaintiff”) makes the following allegations against BlackBerry Ltd., and BlackBerry Corporation. (collectively “BlackBerry” or “Defendants”):

BACKGROUND

1. Stephen J. Zizzi is an accomplished electrical engineer and the inventor of United States Patent No. 9,203,626 (the “’626 Patent”). In 1996, Mr. Zizzi and Chris Mahne, an entrepreneur and co-inventor on another patent, launched MAZ Technologies, Inc. to develop software security products. Mr. Mahne was the President of MAZ Technologies, Inc., and Mr. Zizzi was the Chief Technology Officer. While at MAZ Technologies, Inc., Mr. Zizzi developed novel technologies relating to electronic information and document security using file-level and biometric encryption. The MAZ technology includes, among other things, information security that is transparent and seamless to the users.

PARTIES

2. Plaintiff is a limited liability company organized under the laws of the State of Delaware.

3. Upon information and belief, Defendant BlackBerry Ltd. is a Canadian corporation with a principal place of business at 295 Philip Street, Waterloo, Ontario, Canada N2L 3W8.

4. Upon information and belief, Defendant BlackBerry Corporation is a Delaware Corporation with a principal place of business at 122 West John Carpenter Parkway, Suite 430, Irving, Texas 75038.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Defendants have transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

7. On information and belief, BlackBerry is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

U.S. PATENT NO. 9,203,626

8. Plaintiff is the owner by assignment of the '626 Patent titled "User Authentication System and Method for Encryption and Decryption." The '626 Patent issued on December 1, 2015. A true and correct copy of the '626 Patent is attached as Exhibit A.

9. Mr. Stephen Zizzi is listed as the inventor on the '626 Patent.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 9,203,626

10. The inventions of the '626 patent resolve technical problems related to the encryption and decryption of electronic documents across networked devices using a crypto server, electronic encryption keys and authentication data. For example, the inventions store user identifying data used to secure encryption keys used by a crypto server which encrypts documents prior to transmission. Likewise, the inventions retrieve user identifying data when receiving an encrypted document to access the encryption key to open the encrypted document. Furthermore, the inventions determine, based on a memory storing the names of encrypted documents and a decryption key, whether a crypto module trapping an open command from an application program should decrypt such encrypted document and pass control of the decrypted document to the application program.

11. The claims of the '626 patent do not merely recite the performance of generic document encryption and decryption. Instead, the claims of the '626 patent recite several inventive concepts that further improve encryption and decryption, including through use of unique networked devices associated therewith such as a crypto server, and overcome problems specifically arising in the realm of encryption and decryption across networked devices using electronic encryption keys and authentication data securing such encryption keys.

12. The claims of the '626 patent recite an invention that is not merely the routine or conventional use of document encryption and decryption. Instead, the invention makes use of a crypto server securing an encryption key with stored authentication data. The invention further makes use of a mobile communication device have a message module which receives an encrypted document and a key secured with authentication data, a user interface module which receives a command to open the encrypted document, and a crypto module that retrieves the authentication data to obtain access to the decryption key to decrypt the document.

13. The technology claimed in the '626 patent does not preempt all ways of encryption and decryption, nor preempt any other well-known or prior art technology.

14. Accordingly, each claim of the '626 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

15. BlackBerry has been and is now infringing at least Claims 1, 4, and 7 of the '626 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, supplying, distributing, selling, and/or offering for sale systems such as the BlackBerry Enterprise Solution (including, without limitation, a BlackBerry mobile device, Blackberry Device Software, BlackBerry Desktop Software, and the BlackBerry Enterprise Server software).

16. BlackBerry infringes claim 1 of the '626 patent by making, using, importing, providing, supplying, distributing, selling, and/or offering for sale the BlackBerry Enterprise Solution, which comprises a storage device storing authentication data; a crypto server receiving a document over a communications network from a first computing device, the crypto server

encrypting the document with a first key and securing the first key with authentication data from the storage device; and an access server transmitting the encrypted document over the communications network to a second computing device. *See, e.g.,* BlackBerry Enterprise Solution Security Technical Overview for BlackBerry Enterprise Server Version 4.1 Service Pack 6 and BlackBerry Device Software. Version 4.6

17. BlackBerry infringes claim 4 of the '626 patent by making, using, importing, providing, supplying, distributing, selling, and/or offering for sale BlackBerry mobile devices operating with the BlackBerry Enterprise Solution, which are mobile communication devices comprising a message module receiving an encrypted document and a first key over a communications network, the first key secured with authentication data; a user interface module receiving an open command related to the encrypted document; a crypto module, in response to the open command, retrieving authentication data to obtain access to the decryption key, and decrypting the encrypted document with the first key; and a display displaying the decrypted document. *See, e.g.,* BlackBerry Enterprise Solution Security Technical Overview for BlackBerry Enterprise Server Version 4.1 Service Pack 6 and BlackBerry Device Software. Version 4.6

18. BlackBerry infringes claim 7 of the '626 Patent by making, using, importing, providing, supplying, distributing, selling, and/or offering for sale BlackBerry mobile devices operating with the BlackBerry Enterprise Solution, which are systems for decrypting documents to be opened in an application program comprising: a recordable media; a memory storing the names of encrypted documents and a decryption key for the encrypted documents, the decryption key protected via authentication data; and a crypto module: automatically trapping an "open" command issuing for a selected document to be opened in an application program; determining,

using at least the first memory, if the selected document should be decrypted and, upon determining the selected document should be decrypted, retrieving authentication data to obtain access to the decryption key; decrypting the encrypted document using the decryption key; and automatically passing control to the application program. *See* BlackBerry Enterprise Solution Security Technical Overview for BlackBerry Enterprise Server Version 4.1 Service Pack 6 and BlackBerry Device Software. Version 4.6

19. BlackBerry was made aware of the '626 Patent at least as early as April 17, 2015, when counsel for Plaintiff notified counsel for BlackBerry of the pending claims that ultimate issued as the claims of the '626 Patent.

20. BlackBerry is directly infringing, literally infringing, and/or infringing the '626 Patent under the doctrine of equivalents. BlackBerry is thus liable for infringement of the '626 Patent pursuant to 35 U.S.C. § 271.

21. As a result of BlackBerry's infringement of the '626 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for BlackBerry's infringement, but in no event less than a reasonable royalty for the use made of the invention by BlackBerry, together with interest and costs as fixed by the Court, and Plaintiff will continue to suffer damages in the future unless BlackBerry's infringing activities are enjoined by this Court.

22. Unless a permanent injunction is issued enjoining BlackBerry and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '626 Patent, Plaintiff will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that BlackBerry has infringed the '626 Patent;
2. A permanent injunction enjoining BlackBerry and their officers, directors, agents servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the '626 Patent, or such other equitable relief the Court determines is warranted;
3. A judgment and order requiring BlackBerry pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for BlackBerry's infringement of the '626 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and
4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

DATED December 24, 2015.

Respectfully submitted,

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