

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

<p>Rondevo Technologies, LLC, Plaintiff, v. BlackBerry Corporation, Defendant.</p>	<p>Case No. _____ Patent Case Jury Trial Demanded</p>
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Rondevo Technologies, LLC (“Rondevo”), through its attorney, Timothy Devlin, complains of BlackBerry Corporation (“BlackBerry” or “Defendant”) and alleges the following:

PARTIES

1. Plaintiff Rondevo Technologies, LLC is a corporation organized and existing under the laws of California and maintains its principal place of business at 35 Hugus Alley, Suite 210, Pasadena, CA 91103.
2. Defendant BlackBerry Corporation is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 5000 Riverside Dr., Irving, TX 75039.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.
4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over BlackBerry because, upon information and belief, it has engaged in systematic and continuous business activities in the District of Delaware, is incorporated in Delaware, and maintains a regular and established place of business in this Judicial District. Further, BlackBerry has committed acts of patent infringement giving rise to this action within this Judicial District.

VENUE

6. Venue is proper in this Judicial District under 28 U.S.C. § 1400(b) because BlackBerry has committed acts of patent infringement in this Judicial District and has a regular and established place of business in this Judicial District. BlackBerry is also incorporated in Delaware.

7. Venue is proper in this Judicial District under 28 U.S.C. § 1391(b)(3) because HMD Global Corporation is subject to the Court's personal jurisdiction.

THE PATENT-IN-SUIT

8. Rondevo is the assignee of all right, title and interest in United States Patent No. 6,377,685 (the "'685 Patent," "Patent-in-Suit"), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '685 Patent. Accordingly, Rondevo possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by BlackBerry.

The '685 Patent

9. On April 23, 2002, the United States Patent and Trademark Office issued the '685 Patent. The '685 Patent is titled "Cluster Key Arrangement." The application leading to the '685 Patent was filed on April 23, 1999. A true and correct copy of the '685 Patent is attached hereto as Exhibit A and incorporated herein by reference.

10. The '685 Patent is valid and enforceable.

11. The inventors recognized that there was a need for improving cluster key arrangements for mobile devices such as cell-phones. Ex. A, 1:5–67.

12. The invention in the '685 Patent provides an improved cluster key arrangement system. Ex. A, 6:39–52.

13. To this end, the inventors recognized the importance of developing not only button-based cluster key arrangements, but also electronically configured cluster key arrangements. Ex. A, 6:39-41 (“The cluster key arrangement may be mechanically configured or electronically configured.”).

KNOWLEDGE OF INFRINGEMENT

14. Defendant knew the existence of the '685 Patent since at least the publication of U.S. Patent Application No. 20140243047A1 (hereinafter the “'047 Application”) on September 9, 2001 which was filed by BlackBerry Limited and referenced the '685 Patent as a prior art reference. A copy of the '047 Application is attached hereto as Exhibit B.

15. Despite being aware of the '685 Patent and that manufacturing and selling smartphones might infringe the '685 Patent, none of the Defendant ever sought a license to use the technology described in the '685 Patent.

16. As of the date of filing, Defendant has continued to make, sell, and/or offer to sell the BlackBerry Classic.

COUNT I: INFRINGEMENT OF THE '685 PATENT

17. Rondevoo incorporates the above paragraphs herein by reference.

18. **Direct Infringement.** Upon information and belief, Defendant, acting solely and/or jointly, has been and continues to directly infringe at least Claim 1 of the '685 Patent in this District

and elsewhere in the United States by providing a system for “[a] cluster key arrangement,” for example, the BlackBerry Classic, which include special characters, such as accented letters, that are selected from a primary key. See Figure 1, available at: <https://us.blackberry.com/support/smartphones/blackberry-classic/welcome>.



Figure 1. The BlackBerry Classic includes special characters, such as accented letters, that are selected from a primary key.

19. The BlackBerry Classic has claim element 1(a): “at least one cluster key.” For example, the BlackBerry Classic has a touchscreen keyboard with a button before and after it is selected. See Figure 2, available at: <http://demos.blackberry.com/blackberry-classic/na/ca/gen/how-to/blackberry-classic/keyboard/keyboard-and-typing/index.html>.



Figure 2. The BlackBerry Classic has a touchscreen keyboard with a button before and after it is selected.

20. The BlackBerry Classic has claim element 1(b): “said cluster key comprising a single primary key.” For example, the BlackBerry Classic allows any of the lettered keys to be the primary key as it appears on the primary keyboard. If the primary key is touched and let go before the duration of time, the letter is selected. *See* Figure 2.

21. The BlackBerry Classic has claim element 1(c): “said cluster key comprising at least one secondary key, said secondary key being located immediately adjacent to said primary key of said cluster key.” For example, the BlackBerry Classic has an electronic keyboard containing character variants, which occurs after a primary key is selected and after the primary key is touched and held for a duration of time. When the primary key is held down for the duration of time, a number of accented characters appear for selection. The accented key is

immediately adjacent to the primary key letter. *See* Figure 3, available at:

<https://help.blackberry.com/en/blackberry-classic/10.3.1/help/mba1343750483597.html>.

Type an accented character

The list of available accents depends on the active input language. If you set multiple input languages, the accents for the languages that can be predicted together appear for a letter. For example, when English, French, and German are set, because their alphabets are similar, you get accent options for all three languages.

1. On the BlackBerry Keyboard, press and hold the letter that you want to add the accent to.
2. When accented characters appear above the Keyboard, tap the accented character that you want to type.

22. The BlackBerry Classic has claim element 1(d): “mutual exclusivity selecting means for selecting said primary key or said secondary key in a mutually exclusive manner.” For example, the BlackBerry Classic electronic keyboard allows the user to select its primary keys by tapping the primary key and permits the user to select its secondary keys by holding the corresponding primary key for a duration of time, and then dragging up to the character adjacent to the primary key in the bar appearing above the primary key. *See* Figs. 2-3.

23. The BlackBerry Classic has claim element 1(e): “wherein when both said primary key and said secondary key have met a threshold for actuation close in time to each other, said mutual exclusivity selecting means includes the use of a difference between said primary and said secondary key other than a difference in order of activation of said primary and said secondary key to select between said primary and said secondary key.” For example, the BlackBerry Classic has the primary and secondary keys directly adjacent to one another. The threshold actuation time between primary and secondary keys is virtually zero and determines whether the primary or secondary key is actuated based on the position of the finger or stylus on the touch screen. *See* Fig. 3.

24. The BlackBerry Classic has claim element 1(f): “each of said primary and secondary keys is individually actuatable.” For example, the BlackBerry Classic electronic keyboard allows the user to select either its primary or secondary keys, independently of each other. *See* Fig. 3.

25. The BlackBerry Classic has claim element 1(g): “each of said primary key and said secondary key upon actuation move in a direction substantially parallel to the motion of the other of said primary and said secondary key upon actuation.” For example, the primary and secondary keys of the BlackBerry Classic are connected to mutually parallel vertical conductors. *See* Fig. 3.

26. The BlackBerry Classic has claim element 1(h): “each of said primary key and said secondary key has an associated electrical contact, activation of each said electrical contact sends a signal which indicates an input from said cluster key arrangement, and said mutual exclusivity selecting means selects between said primary key and said secondary key during preprocessing prior to activation of any of said electrical contacts.” For example, the primary and secondary keys of the BlackBerry Classic are each associated with an electrical contact through the touchscreen. Prior to activation of the key selected, the mutual exclusivity selecting means shows which key is selected based on which key is highlighted. *See* Fig. 3.

27. **Induced Infringement.** Upon information and belief, Defendant, acting solely and/or jointly, has also actively induced, and continues to induce, the infringement of at least Claim 1 of the '685 Patent by actively inducing their customers, including merchants and end-users to use the BlackBerry Classic in an infringing manner as described above. Upon information and belief, Defendant has specifically intended that its customers use the BlackBerry Classic in a manner that infringes at least Claim 1 of the '685 Patent by, at a minimum, providing access to support for, training and instructions for, the BlackBerry Classic to its customers to enable them

to infringe at least Claim 1 of the '685 Patent, as described above. Even where performance of the steps required to infringe at least Claim 1 of the '685 Patent is accomplished by Defendant and Defendant's customer jointly, Defendant's actions have solely caused all of the steps to be performed.

28. Rondevoos is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

29. Rondevoos will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

JURY DEMAND

30. Under Rule 38(b) of the Federal Rules of Civil Procedure, Rondevoos respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Rondevoos asks this Court to enter judgment against Defendant, granting the following relief:

- A. A declaration that Defendant has infringed the Patent-in-Suit;
- B. An award of damages to compensate Rondevoos for Defendant's direct infringement of the Patent-in-Suit;
- C. An order that Defendant and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patent-in-Suit under 35 U.S.C. § 283;
- D. An accounting of all damages and infringements not presented at trial;

- E. An award of damages, including trebling of all damages, sufficient to remedy Defendant's willful infringement of the Patent-in-Suit under 35 U.S.C. § 284;
- F. A declaration that this case is exceptional, and an award to Rondevoo of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- G. An award of prejudgment and post-judgment interest; and
- H. Such other relief as this Court or jury may deem proper and just.

Dated: March 29,2019

Respectfully submitted,

/s/ Timothy Devlin

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