

Liza M. Walsh (LW4095)
85 Livingston Avenue
Roseland, New Jersey 07068-1765
(973) 535-0500

Of Counsel:

Robert C. Kahrl
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-3939
Attorneys for Plaintiff, Research In Motion Limited

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RESEARCH IN MOTION LIMITED
295 Phillip Street
Waterloo, Ontario, Canada N2L 3W8

Plaintiff,

v.

NCR CORPORATION
2 Connell Way
Berkeley Heights, NJ 07922,

Defendant.

Civil Action No.

COMPLAINT

02 - 2717
(DRD)

This is a civil action for declaratory judgment of patent invalidity and non-infringement and for injunctive relief. Plaintiff Research In Motion Limited ("RIM") complaining of defendant NCR Corporation ("NCR") alleges:

1. Plaintiff RIM is a corporation incorporated under the laws of the province of Ontario, Canada and has its principal place of business at 295 Phillip Street, Waterloo, Ontario, Canada N2L 3W8.

2. On information and belief, defendant NCR is a corporation incorporated under the laws of Maryland having a place of business at 2 Connell Way, Berkeley Heights, NJ 07922.

3. Jurisdiction of this Court arises under the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and under the Patent Laws of the United States, 28 U.S.C. § 1338(a) and 35 U.S.C. § 281.

4. On December 19, 2000, U.S. Letters Patent No. 6,163,274 entitled "Remotely Updatable PDA" (the "'274 patent") was issued to defendant NCR.

5. Plaintiff used and sold in this judicial district, since issuance of the aforesaid '274 patent, and continues to use and sell the BlackberryTM brand of two-way pager containing functions commonly present in PDA (personal digital assistant) devices.

6. Defendant NCR, without just cause, has alleged infringement of the aforesaid '274 patent by reason of plaintiff's making, importing, using and selling BlackberryTM brand devices and software, such allegations having been made by representatives of defendant to employees of RIM. In the course of these communications, defendant NCR has demanded that RIM take a license under the '274 patent or be subjected to an enforcement action.

7. The claims of the United States Patent No. 6,163, 274 are not infringed by any activity or product of plaintiff and, because of arguments, representations, assertions and/or admissions during the history of the prosecution of said '274 patent, which limits the scope of the claims, defendant is estopped to assert any such infringement.

8. Plaintiff has not used or infringed any properly claimed subject matter of United States Patent No. 6,163,274.

9. United States Patent No. 6,163,274 is invalid and unenforceable for failure to comply with the statutory requirements for a patent and patentability under the provisions of U.S.C. §§ 101, 102, 103 and 112.

10. There is a substantial and continuing justiciable controversy between plaintiff and defendant as to defendant's right to threaten or maintain suit for infringement of the aforesaid patent, and as to the validity and scope thereof, and as to whether plaintiff's BlackberryTM brand pagers infringes any valid claim thereof.

WHEREOF, plaintiff prays:

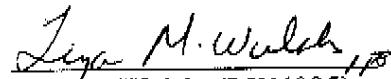
A. That this Court declare United States Patent No. 6,163,274 invalid, unenforceable, void and not infringed by any action of Plaintiff.

B. That this Court preliminarily and permanently enjoin defendant, and those in privity with it, from bringing or threatening to bring suit on said patent or from charging infringement thereof against plaintiff, its vendors and users of plaintiff's product herein charges with infringement, or anyone in privity with plaintiff.

C. That plaintiff be awarded its costs and expenses, including reasonable attorney's fees, in this action.

D. That plaintiff be awarded such other and further relief as this Court may deem just and equitable in this action.

Respectfully submitted,

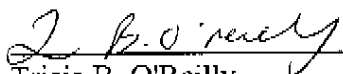

Liza M. Walsh (LW4095)
CONNELL FOLEY LLP
85 Livingston Avenue
Roseland, New Jersey 07068
(973) 535-0500

Of Counsel:

Robert C. Kahrl
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-3939

LOCAL CIVIL RULE 11.2 CERTIFICATION

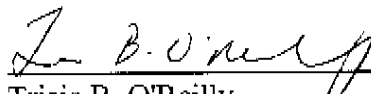
I hereby certify that the matter in controversy is not the subject of any other action pending in any other court, or any other pending arbitration or administrative proceeding.


Tricia B. O'Reilly

Dated: June 5, 2002

LOCAL CIVIL RULE 201.1 CERTIFICATION

I hereby certify that the above-captioned matter is not subject to compulsory arbitration in that the plaintiff seeks injunctive relief.


Tricia B. O'Reilly

Dated: June 5, 2002