

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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|---------------------------------|---|--------------------------------|
| MOBILE TELECOMMUNICATIONS | § | |
| TECHNOLOGIES, LLC, | § | |
| | § | |
| Plaintiff, | § | CIVIL ACTION NO. 3:12-cv-01652 |
| v. | § | |
| | § | JURY TRIAL REQUESTED |
| RESEARCH IN MOTION CORPORATION, | § | |
| | § | |
| Defendant. | § | |

ORIGINAL COMPLAINT

Plaintiff Mobile Telecommunications Technologies, LLC (“MTEL”) files this Complaint against Defendant Research in Motion Corporation (“RIM”) for infringement of U.S. Patent Nos. 5,809,428 (the “428 Patent”), 5,754,946 (the “946 Patent”), 5,559,862 (the “862 Patent”), 5,894,506 (the “506 Patent”) and 5,581,804 (the “804 Patent”) pursuant to 35 U.S.C. § 271 and alleges as follows.

THE PARTIES

1. Plaintiff MTEL is a Delaware corporation with its principal place of business at 1720 Lakepointe Drive, Suite 100 Lewisville, TX 75057.
2. MTEL is the holder of a portfolio of patents formerly held by Mobile Telecommunication Technologies Corp. (“MTEL Corp.”) and its related entities, such as Destineer and SkyTel Communications.
3. MTEL Corp. was a pioneer in wireless communications and is credited with launching the world’s first two-way wireless paging service, dubbed SkyTel 2-Way.

4. The paging operations are currently based out of Lewisville, Texas. And the business is currently operating out of Lewisville, TX.

5. Defendant RIM is a Delaware corporation with its principal place of business at 122 West John Carpenter Parkway, Suite 430, Irving, Texas 75038. RIM may be served with process by serving its registered agent, C T Corporation System, 350 N. St. Paul St., Ste. 2900, Dallas, Texas 75201-4234.

JURISDICTION AND VENUE

6. This is an action for patent infringement under the Patent Laws of the United States, Title 35 of the United States Code. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). Venue lies in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

7. This Court has personal jurisdiction over RIM under the laws of the State of Texas, including the Texas long-arm statute, Tex. Civ. Prac. & Rem. Code § 17.042.

8. Plaintiff incorporates all statements of jurisdiction in the preceding paragraphs. The causes of action against RIM in this Complaint arise from or are connected with purposeful acts committed by RIM in Texas. RIM has conducted and continues to conduct business within the State of Texas, directly or through intermediaries or agents, or offers for sale, sells, or advertises (including through the provision of interactive web pages) products or services, or uses or induces others to use products or services in Texas that infringe the '428 Patent, the '946 Patent, the '862 Patent, the '506 Patent, and the '804 Patent or knowingly contributes to infringement of the '428 Patent, the '946 Patent, the '862 Patent, the '506 Patent, and the '804 Patent.

THE PATENTS-IN-SUIT

9. On September 15, 1998, the United States Patent and Trademark (“USPTO”) duly and legally issued United States Patent No. 5,809,428, titled “Method and Device for Processing Undelivered Data Messages in a Two-Way Wireless Communications System,” after a full and fair examination. A true and correct copy of the ’428 Patent is attached hereto as Exhibit A. Plaintiff is the assignee of all right, title and interest in and to the ’428 Patent and possesses the exclusive right of recovery under the ’428 Patent, including the exclusive right to recover for infringement of the ’428 Patent. The ’428 Patent is valid and enforceable.

10. The ’428 Patent claims, *inter alia*, methods, systems, and devices for storing undeliverable messages, such as e-mail and SMS messages.

11. On May 19, 1998, the USPTO duly and legally issued United States Patent No. 5,754,946 titled “Nationwide Communication System,” after a full and fair examination. A true and correct copy of the ’946 Patent is attached hereto as Exhibit B. Plaintiff is the assignee of all right, title and interest in and to the ’946 Patent and possesses the exclusive right of recovery under the ’946 Patent, including the exclusive right to recover for infringement of the ’946 Patent. The ’946 Patent is valid and enforceable.

12. The ’946 Patent claims, *inter alia*, devices and networks that allow for the retransmission of a received message that is incomplete or contains errors.

13. On September 24, 1996, the USPTO duly and legally issued United States Patent No. 5,559,862 titled “Mobile Paging Telephone Call Back System and Method,” after a full and fair examination. A true and correct copy of the ’862 Patent is attached hereto as Exhibit C. Plaintiff is the assignee of all right, title and interest in and to the ’862 Patent, including the

exclusive right to recover for infringement of the '862 Patent. The '862 Patent is valid and enforceable.

14. The '862 Patent claims, *inter alia*, methods and devices for determining and adding the appropriate prefix to a received call back number.

15. On April 13, 1999, the USPTO duly and legally issued United States Patent No. 5,894,506 titled "Method and Apparatus for Generating and Communicating Messages Between Subscribers to an Electronic Messaging Network," after a full and fair examination. A true and correct copy of the '506 Patent is attached hereto as Exhibit D. Plaintiff is the assignee of all right, title and interest in and to the '506 Patent, including the exclusive right to recover for infringement of the '506 Patent. The '506 Patent is valid and enforceable.

16. The '506 Patent claims, *inter alia*, systems, methods, and devices for sending canned messages.

17. On December 3, 1996, the USPTO duly and legally issued United States Patent No. 5,581,804 titled "Nationwide Communication System," after a full and fair examination. A true and correct copy of the '804 Patent is attached hereto as Exhibit E. Plaintiff is the assignee of all right, title and interest in and to the '804 Patent, including the exclusive right to recover for infringement of the '804 Patent. The '804 Patent is valid and enforceable.

18. The '804 Patent claims, *inter alia*, methods and systems which allow for rapid communication of large messages and efficient use of system resources.

INFRINGEMENT OF THE PATENTS-IN-SUIT

19. Plaintiff repeats and realleges the allegations set forth in Paragraphs 1-17 as if those allegations have been fully set forth herein.

20. RIM, without authorization or license, has been and is now directly infringing multiple claims of the '428 Patent, the '946 Patent, the '862 Patent, the '506 Patent, and the '804 (together, the "Patents-In-Suit") Patent, in violation of 35 U.S.C. § 271(a).

21. RIM's customers are likewise direct infringers of the Patents-In-Suit when RIM's customers use RIM products and services.

Infringement of US Patent No. 5,809,428

22. RIM directly infringes by making, using, selling, offering for sell, and/or importing software and equipment that embody claims of the '428 Patent including but not limited to BlackBerry Enterprise Server (BES) software and Blackberry Infrastructure and related software, equipment, and/or modules. BES and its related software, for example, are network operations centers that embody the claims of the '428 Patent. RIM also makes, uses, sells, offers for sell, and/or imports mobile units, such as Blackberry Smartphones and Tablets, that embody the claims of the '428 Patent.

23. On information and belief, the BES or Blackberry Infrastructure stores emails that cannot be delivered to Blackberry Smartphones.

24. On information and belief, Blackberry Smartphones send "acknowledgment" response to the BES when messages, such as email or push applications are delivered to the Blackberry Smartphone.

25. On information and belief, the BES can send messages to a Blackberry Smartphone that allow the BES to determine the location of the Blackberry Smartphone.

26. RIM customers are direct infringers of the claims of the '428 Patent.

27. RIM instructs and otherwise encourages its customers to infringe the claims of the '428 Patent by providing manuals and similar instructions on the operation of Blackberry Smartphones, Tablets, and BES.

Infringement of US Patent No. 5,754,946

28. RIM directly infringes by making, using, selling, offering for sell, and/or importing software and equipment that embody claims of the '946 Patent, including but not limited to mobile units, such as Blackberry Smartphones and Tablets.

29. Blackberry Smartphone and Tablets have radio frequency receivers for receiving messages from the BES.

30. Blackberry Smartphones and Tablets have displays for showing messages to the user of the device.

31. Blackberry Smartphones have switches, such as the clickable trackpad or trackball, that allow the user to make selections on menus.

32. Blackberry Tablets have touchscreens and similar mechanisms that allow the user to make selections on menus.

33. Blackberry Smartphones and Tablets allow users to request that a message be resent if the message is incomplete or corrupt.

34. RIM customers are direct infringers of the claims of the '946 Patent.

35. RIM instructs and otherwise encourages its customers to infringe the claims of the '946 Patent by providing manuals and similar instructions on the operation of Blackberry Smartphones and Tablets. RIM instructs its customers on ways and methods of retrieving incomplete or corrupt email, or other, messages.

Infringement of US Patent No. 5,894,506

36. RIM directly infringes by making, using, selling, offering for sell, and/or importing software and equipment that embody claims of the '506 Patent. RIM operates an electronic messaging network that includes equipment and software, including but not limited to, BlackBerry Enterprise Server (BES) software and related software, equipment, and/or modules, BlackBerry Infrastructure software and related equipment, mobile units such as Blackberry Smartphones and Tablets, that embody the claims of the '506 Patent.

37. Blackberry Smartphones and Tablets have templated messages such as meeting requests within its calendar functions.

38. The calendar allows users of Blackberry Smartphones and Tablets to request meetings or appointments with others.

39. The meeting request contains a template whereby the requester can fill in items such as the date and time of the meeting.

40. Some of the fields in the meeting request, such as date, can only be filled in with pre-determined values. For example, the meeting requester cannot propose a meeting date of February 31, 2013.

41. When the requester sends the request to the desired attendee, the desired attendee can only respond with a predetermined responses of, "Yes", "No", or "Maybe".

42. On information and belief, Blackberry Smartphones and Tablets are capable of sending other templated messages that infringe the claims of the '506 Patent.

43. RIM customers are direct infringers of the claims of the '506 Patent.

44. RIM instructs and otherwise encourages its customers to infringe the claims of the '506 Patent by providing manuals and similar instructions on the operation of Blackberry

Smartphones and Tablets. RIM instructs its customers on how to use the calendar features of the device and how to send and receive meeting requests.

Infringement of US Patent No. 5,581,804

45. RIM directly infringes by making, using, selling, offering for sell, and/or importing software and equipment that embody claims of the '804 Patent. RIM operates an electronic messaging network that includes equipment and software, including but not limited to, BES software and related software, equipment, and/or modules, BlackBerry Infrastructure software and related equipment, mobile units such as Blackberry Smartphones, that embody the claims of the '804 Patent.

46. The BES or the Blackberry Infrastructure can send control signals to Blackberry Smartphones that prevent the smartphone from sending registration signals to the BES or the Blackberry Infrastructure.

47. The BES or the Blackberry Infrastructure can send probe signals to Blackberry Smartphones.

48. Blackberry Smartphones send registration messages that show the location of the smartphone. On information and belief, the receipt of these messages by the BES is logged by the BES.

49. On information and belief, Blackberry Smartphones send responses to probe signals back to the BES or the Blackberry Infrastructure.

50. On information and belief, the BES logs the messages sent to and received from Blackberry Smartphones.

51. On information and belief, if the Blackberry Smartphone is not optimly acknowledging the receipt of messages from the BES, the BES can send control signals to the Smartphone to command the Smartphone to send registration signals.

52. RIM customers are direct infringers of the claims of the '804 Patent.

53. RIM instructs and otherwise encourages its customers to infringe the claims of the '804 Patent by providing manuals and similar instructions on the operation of BES and Blackberry Smartphones. When provided to RIM's customers, these devices operate in ways that infringe the '804 Patent and have no non-infringing uses.

Infringement of US Patent No. 5,559,862

54. RIM directly infringes by making, using, selling, offering for sell, and/or importing software and equipment that embody claims of the '862 Patent, including but not limited to mobile units, such as Blackberry Smartphones.

55. RIM has knowledge of the '862 Patent as of at least May 9, 2008, when RIM received an Office Action from the United States Patent and Trademark Office in United States Patent Application No. 11/754,552 which identified the '862 Patent.

56. United States Patent Application No. 11/754,552 became US Patent No. 7,489,950 and is currently assigned to RIM.

57. On information and belief, RIM devices, such as Blackberry Smartphones, practice the inventions as claimed in US Patent No. 7,489,950.

58. Blackberry Smartphones can receive SMS, text, or email messages with call back numbers.

59. Blackberry Smartphone users can "click on" or otherwise access the call back number from the SMS, text, or email message in order to place a call to the call back number.

60. On information and belief, Blackberry Smartphones can determine whether the prefix to the call back number is incorrect or unusable and substitute a proper pre-fix.

61. RIM customers are direct infringers of the claims of the '862 Patent.

62. RIM instructs and otherwise encourages its customers to infringe the claims of the '862 Patent by providing manuals and similar instructions on the operation of Blackberry Smartphones. RIM instructs its customers on how to use the use the call back features of the Blackberry software.

63. RIM, without authorization or license, has been and is now indirectly infringing the Patents-in-Suit by knowingly and intentionally inducing its customers to infringe Patents-In-Suit or contributing to its customers infringing the Patents-In-Suit in violation of 35 U.S.C. § 271(b) and/or 35 U.S.C. § 271(c).

64. RIM has knowledge of the Patents-In-Suit at least at the time of the filing of this action.

65. RIM has knowledge of the '862 Patent as of at least May 9, 2008.

66. RIM's infringement has been and continues to be deliberate and willful. Unless the Defendant stops its infringement of the Patents-In-Suit will continue to be willfull.

67. Plaintiff has no adequate remedy at law against RIM's acts of infringement and RIM's infringement will continue unless enjoined by this Court.

68. Plaintiff has suffered, and will continue to suffer, irreparable injury as a result of RIM's infringement.

69. Plaintiff is in compliance with the requirements of 35 U.S.C. § 287.

70. Plaintiff has been damaged by RIM's infringement, and will continue to be damaged until this Court enjoins RIM.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

A. That RIM be adjudged to have infringed the Patents-In-Suit, directly and indirectly, by way of inducement and/or contributory infringement, literally and/or under the doctrine of equivalents;

B. That RIM, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with any of them, be preliminarily and permanently restrained and enjoined from directly or indirectly infringing the Patents-In-Suit;

C. That Plaintiff be awarded damages sufficient to compensate Plaintiff for RIM's infringement, pursuant to 35 U.S.C. § 284;

D. That RIM be directed to pay Plaintiff pre-judgment and post-judgment interest and costs for Plaintiff bringing this lawsuit, in accordance with 35 U.S.C. § 284;

E. That RIM be directed to pay enhanced damages, including Plaintiff's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. § 285; and

F. That Plaintiff receive such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff respectfully demands a trial by jury of any and all issues triable of right before a jury.

Dated: May 29, 2012

Respectfully Submitted,

/s/ Daniel R. Scardino

Daniel Scardino

Texas State Bar No. 24033165

Chad Ennis

Texas State Bar No. 24045834

REED & SCARDINO LLP

301 Congress Avenue, Suite 1250

Austin, TX 78701

Tel. (512) 474-2449

Fax (512) 474-2622

dscardino@reedscardino.com

cennis@reedscardino.com

ATTORNEYS FOR PLAINTIFF

MOBILE TELECOMMUNICATIONS

TECHNOLOGIES, LLC