

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

**MAZ ENCRYPTION TECHNOLOGIES  
LLC,**

Plaintiff,

v.

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

Defendants.

**Civil Action No. 3:17-cv-3267**

**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. 7,096,358 (the “358 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 wholly owned subsidiary of BlackBerry Ltd., and a Delaware Corporation with a principal place of business at 3001 Bishop Dr., Ste. 400, San Ramon, California 94583. Defendant BlackBerry Corporation may be served with process through its registered agent, Corporate Creations Network Inc., 3411 Silverside Road, Tatnall Building, Suite 104, Wilmington, Delaware, 19810.

## **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. § 1400(b). Defendants have committed acts of patent infringement in this district and maintain a regular place of business in this district at 5030 Riverside Dr., Irving, Texas 75039.

7. On information and belief, Defendants are 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 their 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. 7,096,358**

8. Plaintiff is the owner by assignment of the '358 Patent titled "Encrypting File System." The '358 Patent issued on August 22, 2006. A true and correct copy of the '358 Patent is attached as Exhibit A.

9. Mr. Stephen Zizzi is listed as the inventor on the '358 Patent.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 7,096,358**

10. The inventions of the '358 Patent resolve technical problems related to a process of transparently encrypting and decrypting documents through a network using a crypto server and electronic encryption keys. For example, the inventions intercept a change document or open document command in an electronic file management system. The inventions then carry out a decrypting process of the document using a crypto server. Further, the inventions employ a two-table structure where the first table includes the names of the encrypted documents and a key name associated with a decryption key value for the encrypted document, and the second table includes the decryption key value associated with the key name.

11. The inventions disclosed in the '358 Patent are substantially similar to inventions that the United States District Court for the District of Delaware confirmed as patent eligible under 35 U.S.C. § 101. In a recent case involving U.S. Patent No. 6,185,681 ("'681 Patent"), the patent to which the '358 Patent claims priority, the United States District Court for the District of Delaware concluded that the '681 Patent claims recite a "specific implementation of transparent encryption, not a computer implementation of an abstract idea," thus finding that the '681 Claims "***are not*** directed to an abstract idea and ***are*** directed to patent-eligible subject matter." September 29, 2016, Memorandum Opinion, Cause No. 13-305-LPS in the District of Delaware, p. 15, 20 (emphasis in original). The Delaware Court, in connection with its analysis of the '681 Patent claims, further

explained that “encryption is a relatively sophisticated, computer-implemented method of protecting data, unlike the simple, human-executable method described in Defendant’s analogy.” *Id* at 16.

12. The ‘358 Patent is a continuation-in-part of the ‘681 Patent, and thus shares a substantially similar specification with that of the ‘681 Patent, describing similar inventions related to transparent encryption and decryption using a novel two-table key structure and crypto server.

13. Further, the claims of the ‘358 Patent are substantially similar to the claims addressed by the Delaware Court with respect to the ‘681 Patent, including several claim limitations, such as a “crypto server” and the novel two-table encryption key structure. In addition to its analysis under 35 U.S.C. § 101, the Delaware Court further engaged in a detailed claim construction analysis, finding, for example, that the ‘681 Patent’s “crypto module” (the ‘358 Patent’s “crypto server”) to be a “portion of a software program which transparently handles the encryption of documents and the decryption of encrypted documents.” *MAZ Encryption Technologies LLC v. Blackberry Corporation*, Case No. 1:13-cv-00304 (D. Del. 2013) (D.I. 93) (Mem. Op. regarding Claim Construction). The limited scope of such claims terms, appearing in the claims of both the ‘681 Patent and the ‘358 Patent, confirms that the ‘358 Patent claims are likewise directed to patent-eligible subject matter.

14. Accordingly, as with the ‘681 Patent claims, the ‘358 Patent claims do not merely recite the performance of generic document encryption and decryption. Instead, they recite several inventive concepts that further improve encryption and decryption, including through use of a unique 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. The inventions make use of a crypto server, a unique encryption

key correspondence with documents, and a novel encryption key storage structure with two tables to perform encryption of documents.

15. The technology claimed in the '358 Patent does not preempt all ways of encryption and decryption, nor preempt any other well-known or prior art technology.

16. Accordingly, each claim of the '358 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.

17. BlackBerry has been and is now infringing at least Claim 1 of the '358 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 10 series products that runs BlackBerry 10 OS (including but not limited to at least the Blackberry Z30, Z10, Z3, Q10, Q5, P'9982, Passport, and Playbook) ("Accused Instrumentalities").

18. BlackBerry infringes claim 1 of the '358 Patent by making, using, importing, providing, supplying, distributing, selling, and/or offering for sale the BlackBerry 10 series products that runs BlackBerry 10 OS, which practice the method of decrypting documents comprising the step of providing plural documents having respective names, providing a crypto server for causing documents to be decrypted, providing a first table having the names of encrypted documents for each of the names of encrypted documents in the first table, a key name associated with a decryption key value for the encrypted document, detecting an open command for a given document issuing from a user of an application program using a user input device in response to the open command, the crypto server using the first table to determine if the given document should be decrypted if the given document should be decrypted, then retrieving the key name associated

with the name of the given document from the first table retrieving the decryption key value associated with the key name from a second table, the second table having at least one decryption key value causing the given document to be decrypted. An exemplary claim chart showing infringement of claim 1 of the '358 Patent is attached hereto as Exhibit B.

19. BlackBerry was made aware of its infringement of the '358 Patent at least as early as June 20, 2017, when counsel for Plaintiff sent certified correspondence to Blackberry and its outside counsel, detailing Blackberry's infringement of the '358 Patent. See Exhibit C.

20. BlackBerry is directly infringing, literally infringing, and/or infringing the '358 Patent under the doctrine of equivalents. BlackBerry is thus liable for infringement of the '358 Patent pursuant to 35 U.S.C. § 271(a).

21. As a result of BlackBerry's infringement of the '358 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 '358 Patent, Plaintiff will be greatly and irreparably harmed.

### **WILLFUL INFRINGEMENT**

23. Blackberry has willfully infringed the '358 Patent in connection with the Accused Instrumentalities.

24. Blackberry's conduct in making, using, selling, offering to sell and/or importing the Accused Instrumentalities directly infringes multiple claims of the '358 Patent pursuant to 35 U.S.C. § 271(a).

25. Blackberry had knowledge of the '358 Patent and its claims at least as early as June 20, 2017, when counsel for Plaintiff sent certified correspondence to Blackberry and its outside counsel. The letter included a claim chart detailing Blackberry's infringement of claim 1 of the '358 Patent. See. Exhibit C.

26. Blackberry thus had knowledge of the '358 Patent and its infringement prior to this lawsuit. Blackberry continued using the Accused Instrumentalities regardless of its knowledge of infringement. Accordingly, Blackberry's infringement is and has been willful, wanton, malicious, bad-faith, deliberate, consciously wrongful, and fragrant. Thus, Plaintiff sues for willful infringement of the '358 Patent.

27. As a result of Blackberry's willful infringement of the '358 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount three times the compensatory damages, in accordance with 35 U.S.C. § 284.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that BlackBerry has infringed the '358 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 '358 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 '358 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement;

4. A judgment that Blackberry's infringement was willful and ordering Blackberry to pay Plaintiff increased damages of three times the compensatory damages, in accordance with 35 U.S.C. § 284;

5. That this Court declare this an exceptional case and award Plaintiff reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

6. 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 1, 2017.

Respectfully submitted,

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