

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

RAINEY CIRCUIT LLC,

Plaintiff,

vs.

BLACKBERRY CORPORATION

Defendant.

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Case No:

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Rainey Circuit LLC (“Plaintiff” or “Rainey”) files this Complaint against BlackBerry Corporation (“Defendant” or “Blackberry”) for infringement of United States Patent No. 8,131,824 (hereinafter “the ‘824 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its office address at 7460 Warren Parkway, Ste. 100, Frisco, TX 75034.

4. On information and belief, Defendant is a Delaware corporation with a principal place of business at 5000 Riverside Dr. Irving, TX 75039.

5. On information and belief, this Court has personal jurisdiction over Defendant

because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Defendant is deemed to be a resident of this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO. 8,131,824)**

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the '824 Patent with sole rights to enforce the '824 Patent and sue infringers.

11. A copy of the '824 Patent, titled "Method for the transmission of multimedia data utilizing a signaling signal in a telecommunications network," is attached hereto as Exhibit A.

12. The '824 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. On information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claims 1, 2, and 16 of the '824 Patent by making, using (at least during internal testing and maintenance), importing, selling, and/or offering for sale, a method of transmitting multimedia messages (e.g., such as video messages), which is covered by at least

Claims 1, 2, and 16 of the '824 Patent. Defendant has infringed and continues to infringe the '824 patent directly in violation of 35 U.S.C. § 271.

14. Defendant sells, offers to sell, and/or uses a multimedia messaging system and method including, without limitation, BBM and the Messenger Application on Blackberry devices, and any similar systems and/or methods ("Product"), which infringe at least Claims 1, 2, and 16 of the '824 Patent. The Product practices a method for transmitting a multimedia message (e.g., a video message) with a plurality of multimedia components (e.g., audio component of the video message, moving picture component of the video message, preview image of the video message, etc.) from a sender to a recipient in a communication system (e.g., the BBM/Messenger communication/user network). BBM allows a user to send video messages. Blackberry devices, such as the KEYone, allow a user to send video messages. Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

Why BBM? It's Way More Than Just Messaging.

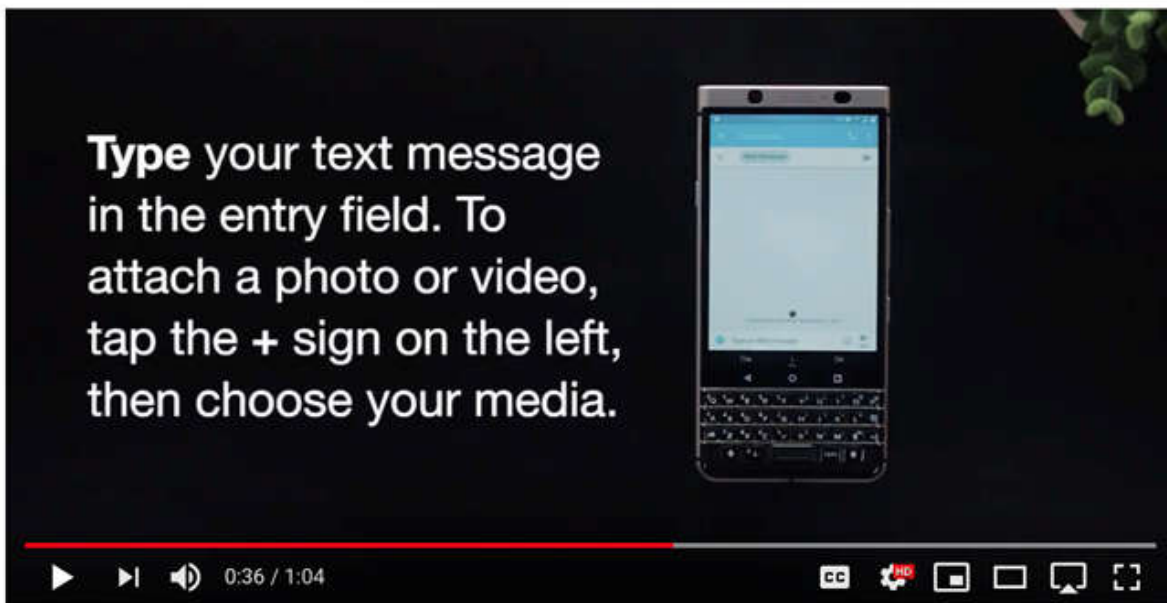
BBM lets you chat and share with a speed, control and privacy you can't get on other instant messenger apps. It's the closest thing to being there in person. And with great new features, getting your message across is faster and easier than ever. Note: some features are not available for all devices.

<https://bbm.com/en/>

Personal media

Send photos, videos and other files quickly and securely. For the mobile data usage conscious, we've made it such that you can send higher-resolution images on demand.

<https://bbm.com/en/features.html>



How to send a text message on the BlackBerry KEYone

<https://www.youtube.com/watch?v=aklXgwwaUfU>

15. The Product practices specifying, via at least one multimedia component (e.g., preview image component of the video message/ Start icon image) of the multimedia message (e.g., video message), an immediate display of the at least one multimedia component one of before and on arrival of the remaining multimedia components (e.g., audio component of the video message, moving picture component of the video message, etc.). The BBM Mobile Application allows users to send videos. A user of the accused instrumentality composes a video message which has audio component, moving picture component, image of start icon, preview image, etc.

The accused instrumentality operates on the video message such that at least one multimedia component (e.g., preview image) is immediately displayed at the recipient side before the arrival of the remaining multimedia components (e.g., audio component of the video message and moving picture component of the video message). Once a video has been sent using the BBM Mobile Application, the recipient will receive an immediate display of a preview image of the video at the same time or before the video itself and its components (e.g. image and audio) are received. The messaging application on Blackberry devices functions similarly to the BBM application. Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

Personal media

Send photos, videos and other files quickly and securely. For the mobile data usage conscious, we've made it such that you can send higher-resolution images on demand.

<https://bbm.com/en/features.html>

4. Picture or video will be sent as file, meaning it will be sent in its original size.



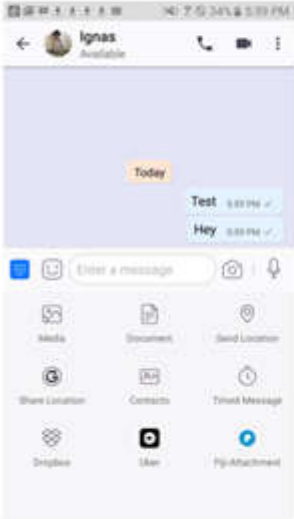
<https://help.bbm.com/en/support/solutions/articles/19000078200-send-images-or-video>

16. The Product practices identifying, by a sender, a predefined subset of the multimedia components (e.g., preview image of the video message) of the multimedia message (e.g., video message) as a signaling signal. When a sender composes a video message, they must select a video to send and in turn select the preview image corresponding to the video being sent. Again, the messaging application on Blackberry devices operates similarly to the BBM application as shown above. These elements are illustrated in the screen shots below and/or in those provided in connection with other allegations herein.

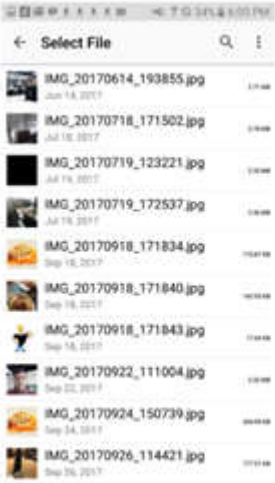
Send Images or Video

Now, you can send images or videos with it original sizes, with no compression at all. The picture or videos can be sent as files. You can also adding captions when sending the files.

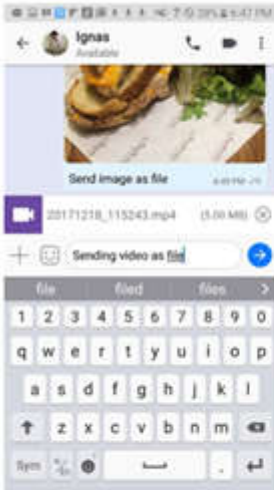
- 1. Go to 1:1 chat and click Document.



- 2. Choose the images or videos that you want. (you can only 1 (one) picture or 1 (one) video).

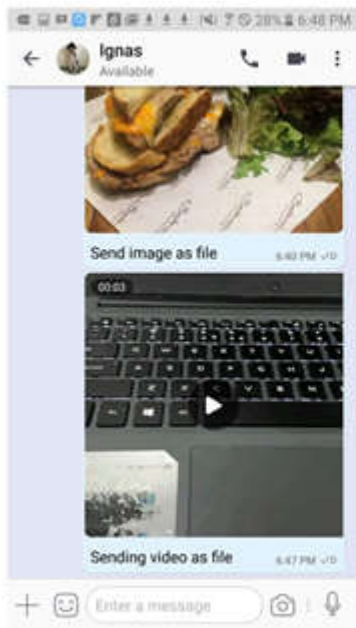


- 3. Add caption if you want.



4. Picture or video will be sent as file, meaning it will be sent in its original size.

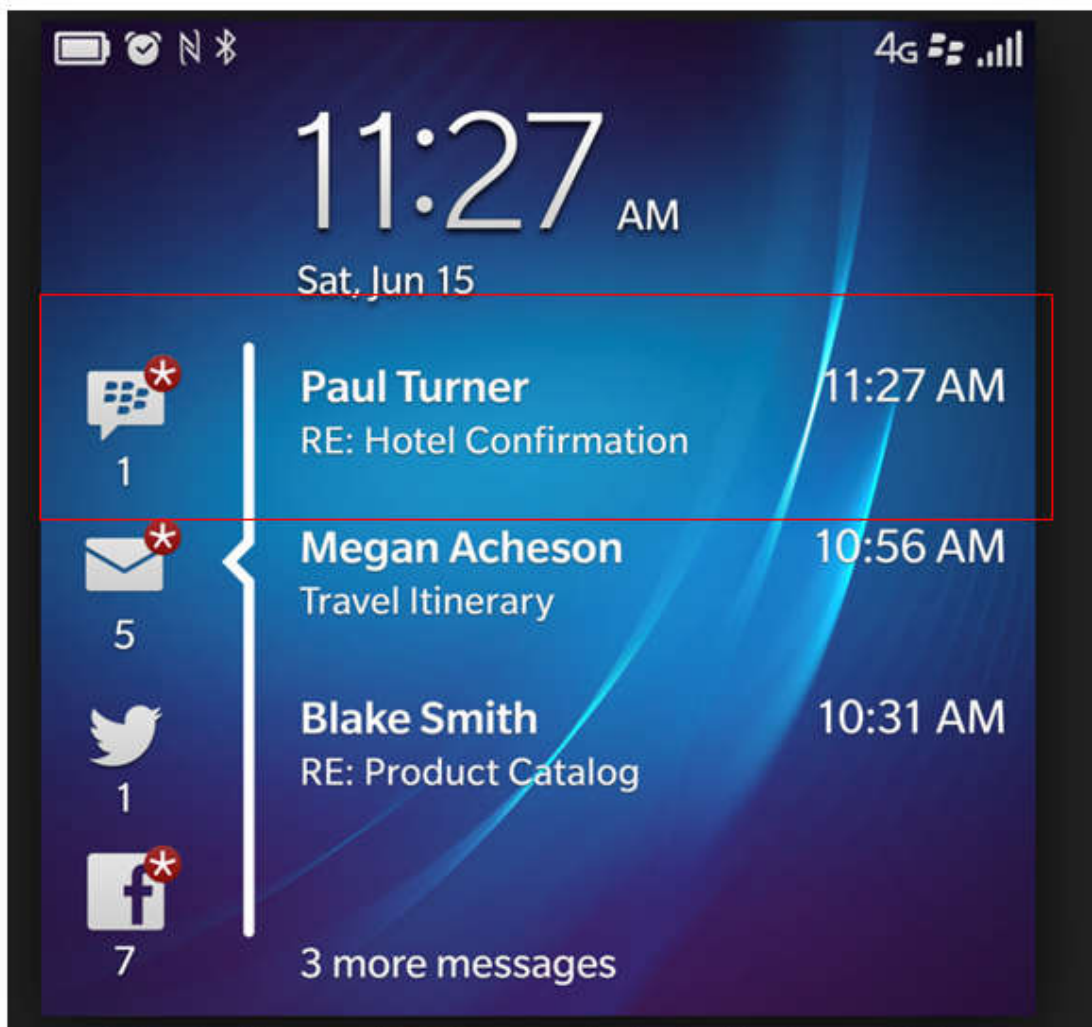
4. Picture or video will be sent as file, meaning it will be sent in its original size.



<https://help.bbm.com/en/support/solutions/articles/19000078200-send-images-or-video>

17. The Product practices transmitting information to a recipient with the aid of a notification signal, wherein the notification signal indicates that the multimedia message (e.g., video message) is ready in the communication system (e.g. the BBM/Messenger communication/user network) for downloading, and wherein the multimedia message (e.g. video

message) ready for downloading comprises at least one multimedia component (e.g., preview image) which has been identified as a signaling signal. Information is transmitted with the aid of a notification signal (e.g. the application will show a visual indication that a new message has been received in various manners). The multimedia message (e.g., video message) ready for download is also shown. That multimedia message (e.g., video message) comprises a signaling message (e.g., the preview image). Upon clicking play on the preview image, the video will begin to download and play. These elements are illustrated in in the screen shots provided below and/or in those provided in connection with other allegations herein.



<http://helpblog.blackberry.com/2013/12/stay-updated-using-blackberry-10-lock-screen-notifications/>



4. Picture or video will be sent as file, meaning it will be sent in its original size.



<https://help.bbm.com/en/support/solutions/articles/19000078200-send-images-or-video>

18. The Product practices initiating one of immediate and preferred downloading (e.g. the video will download and play when the user decides to click on the play button in the preview image) when the notification signal is received by the recipient, showing that a multimedia component is identified within the multimedia message ready for downloading as a signaling signal. The application will display a visual notification that a message has been received. If said

message includes a video, a preview image of said video will also be displayed (i.e. a signaling signal). Said preview image indicates that a video is ready to be downloaded and streamed and said user can select to being said download and playback when they prefer. These elements are illustrated in in the screen shots provided in connection with other allegations herein.

19. Regarding Claim 2, the signaling signal (e.g., preview image) is delivered to the recipient before the arrival of the remaining multimedia components (e.g., audio component of the video message, moving picture component of the video message) of the multimedia message (e.g., video message) or of the complete multimedia message and thereafter is immediately displayed. These elements are illustrated in the screen shots provided in connection with other allegations herein.

20. Regarding Claim 16, the download of the signaling signal (e.g., preview image) takes place without interaction with the recipient. The preview image is automatically downloaded at the recipient side. These elements are illustrated in the screen shots provided in connection with other allegations herein.

21. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

22. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

23. Plaintiff is in compliance with 35 U.S.C. § 287.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of any and all causes of action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

- (a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;
- (b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 8,131,824 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);
- (c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;
- (d) Award Plaintiff pre-judgment and post-judgment interest and costs; and
- (e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: November 29, 2018

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON

State Bar No. 24067322

D. BRADLEY KIZZIA

State Bar No. 11547550

KIZZIA JOHNSON, PLLC

1910 Pacific Ave., Suite 13000

Dallas, Texas 75201

(214) 451-0164

Fax: (214) 451-0165

jay@kjpllc.com

bkizzia@kjpllc.com

ATTORNEYS FOR PLAINTIFF

EXHIBIT A