Position Statement regarding the RIM Mobile E-Mail Patent Assertion

Free Protocols Foundation

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1 Introduction

The Free Protocols Foundation (FPF) is a non-profit organization and independent public forum dedicated to the support of patent-free protocols and software. The FPF views software and protocol patents as being generally detrimental to the industry and the consumer, and part of the FPF mandate is to oppose exceptionally harmful patents when they appear. For more information see the FPF website at `http://www.freeprotocols.org`.

Research in Motion (RIM) has recently made a patent assertion which we regard as an egregious example of patent law abuse, and exceedingly harmful in its potential effects. The following is a statement of the FPF position regarding this patent, and our intended actions to oppose it.

2 Research in Motion (RIM) and BlackBerry

Research in Motion (RIM) is a Canadian wireless technology company based in Waterloo, Ontario, Canada.

Among other things RIM manufactures and licenses BlackBerry, a popular wireless handheld e-mail device. BlackBerry is a closed, single-vendor e-mail system, based on a set of proprietary protocols. For details see the BlackBerry website at `http://www.blackberry.net`.

3 RIM's Patent Assertion

In April 2001 RIM was granted U.S. Patent # 6,219,694, entitled *System and method for pushing information from a host system to a mobile data communication device having a shared electronic address*. The complete text of the patent is available at the FPF website; to view the patent in PDF format visit `http://www.freeprotocols.org/usPatents/06219694.pdf`.

The patent describes a method of directing e-mail to wireless devices, while maintaining mailbox synchronization with a desktop e-mail system. The described method is a basic element of the functioning of various existing mobile e-mail systems, including the BlackBerry system.

RIM has been quick to cash in on this patent. Less than a month after the patent was granted, RIM announced that it is suing Glenayre Electronics, Inc. for infringement against the patent. To view an article describing this patent assertion, visit `http://www.totaltele.com/view.asp?ArticleID=40057&pub=tt&categoryid=625`. The same article is also available on the FPF website at `http://www.freeprotocols.org/rimBBPatentProblem/extNews2.html`.

4 FPF Position on the RIM Patent Assertion

The Free Protocols Foundation views the RIM patent assertion as an extreme example of patent-law abuse. This is because:

- The patent is based on methods and processes which were previously known and implemented, and there is ample prior art to demonstrate this. RIM's claim that these processes are novel is therefore false.
- The patent covers an aspect of mobile e-mail that is so fundamental that if it goes unchallenged, it will have the effect of hobbling the wireless and mobile e-mail industry.

The patent is particularly noxious because of the very large scope of its claims. Note that mobile e-mail is not simply another generic product or service – it is an extremely large-scale interconnected system, whose functioning is of profound importance to business and society. It is inappropriate and dangerous for any one company to have exclusive control over something of such enormous scope and significance.

Yet this patent purports to provide RIM with precisely this control. RIM's patent claim is so broad and general that if it remains unchallenged, it will restrict a major class of mobile e-mail services to a single closed system under the exclusive control of RIM, to the severe detriment of the mobile e-mail industry and society at large.

5 Actions and Remedies

The Free Protocols Foundation intends to participate in fighting strenously against this patent by means of the following activities:

- By assisting in demonstrating the invalidity of the patent
- By supporting legal challenges against the patent
- By endorsing and publicizing *Operation WhiteBerry*, a patent-free alternative to BlackBerry
- By pressuring RIM to drop their current patent assertion, and to renounce any future assertion on the basis of this patent
- Should these measures fail to persuade RIM to drop their patent assertion, by encouraging a consumer boycott of the BlackBerry system

5.1 Demonstrate Patent Invalidity

Those whose interests are being injured by the patent will certainly wish to challenge it. A key element of this challenge will be to demonstrate that the patent is invalid on the basis of prior art. We believe that ample prior art exists which will show clearly that the patent is based on ideas which have been previously known, subjected to public discussion, and implemented.

The basic requirement is to identify and make public the appropriate prior art. The Free Protocols Foundation is assisting in this effort by providing a public forum for discussion and commentary, and by acting as a central clearing house for information relating to the patent.

For this purpose the FPF has established and is hosting the public mailing list `RIM-6219694@lists.freeprotocols.org`. Any company, organization or individual may participate in this effort by submitting commentary or information to this mailing list. To join this mailing list, visit `http://www.freeprotocols.org/joinFreeProtocolMailingList/main.html`.

The following is a list of known development activities, each of which predates the RIM patent, and in which the same processes as represented in the patent claims were put into practical implementation. The documentation and discussion records relating to these activities are therefore extremely likely to yield appropriate examples of prior art:

- Various combinations and integrations of IMAP modes, including the concepts of disconnectedness and synchronization. While the claims represented in the RIM patent are not a formal part of the IMAP specification, many of the same methods and processes are clearly alluded to in the specification. Furthermore, many of those same methods and processes were discussed and implemented by the IMAP protocol designers during the protocol development process. Such discussions took place on a number of IETF and other mailing lists.
- Various combinations and integrations of FetchMail, ProcMail, dotForward, mail robots and mail header rewritings. These components have been linked together by many Unix users to produce practical implementations of the same claims as represented in the patent.
- The Limited Size Messaging (LSM) development work published and demonstrated at the CDPD Forum in 1995.
- The Lightweight & Efficient Application Protocols (LEAP) development work published as RFC 2188 in 1997, and RFC 2524 in 1999; also the relevant mailing lists.
- The development and commercial marketing of Mobile Messaging products such as the RadioMail wireless messaging service by RadioMail Corporation (initially led by Geoffrey Goodfellow), dating back to the early 1990s.
- Proprietary mail synchronization capabilities of commercial systems such as *Mail on the Run!* and numerous others.

The role of the Free Protocols Foundation consists primarily of the assistance and facilitation role described above. We invite and encourage other interested parties to identify specific examples of prior art by researching the archival records relating to the above activities. We especially request and encourage the original participants in those activities to step forward and assert their prior implementations of the RIM patent claims.

5.2 Support Legal Challenges

In general, the Free Protocols Foundation supports legal challenges to software patents by providing its technical expertise regarding patent issues to companies who may be challenging patents in the courts.

In the present case, the FPF is ready to lend its support to Glenayre or any other company that mounts a legal challenge/defense against the RIM patent. Any company or organization wishing to avail itself of this assistance should contact the FPF directly at `info@freeprotocols.org`.

(However this should not be construed as a general endorsement by the FPF of Glenayre or any other company. Indeed, we note that when it comes to patents Glenayre is no angel either, and has previously filed its own patent infringment suit against RIM. An article describing the Glenayre patent assertion is available at `http://www.garywill.com/waterloo/ctt9908.htm`; the same article is also available on the FPF website at `http://www.freeprotocols.org/rimBBPatentProblem/extNews1.html`.)

5.3 Operation WhiteBerry

The same mobile e-mail functionality as BlackBerry can be implemented in the form of a completely open system, based on existing technologies and protocols. This open equivalent to BlackBerry is called the **WhiteBerry** mobile messaging solution.

The WhiteBerry solution is based on a set of patent-free mobile messaging protocols called the **LEAP** protocols. Under the WhiteBerry solution, mobile messaging functionality is provided by a multi-vendor series of products and services, and the necessary industry-wide interoperability is guaranteed by the openness and integrity of the underlying protocols. For more information on the LEAP protocols see the LEAP Forum website at `http://www.LeapForum.org`.

A complete description of the WhiteBerry solution is provided in a white paper entitled *Operation WhiteBerry*. *Operation WhiteBerry* was written prior to, and is independent of, the emergence of the RIM patent issue. It was first published and remains available on the LEAP Forum website at `http://www.LeapForum.org/operationWhiteberry/index.html`.

One of the general strategies by which the FPF opposes patented software is by supporting patent-free alternatives. Since *Operation WhiteBerry* describes an open, patent-free alternative to the patented BlackBerry system, it is directly aligned with this strategy. This paper is also fully consistent with FPF goals, and with the *FPF Policies & Procedures* described at `http://www.freeprotocols.org/freeProtocolProcess/main.html`.

We therefore endorse this paper fully, and are pleased to re-publish it on our own website at `http://www.freeprotocols.org/operationWhiteberry/index.html`. We encourage anyone who wishes to avoid the RIM patent issue to read this paper and participate in the WhiteBerry implementation.

The WhiteBerry solution is radically different from the BlackBerry system. WhiteBerry is not a single static messaging solution; rather, it is a highly mutable meta-solution. That is, any particular WhiteBerry implementation is created by integrating together an appropriate set of components, so as to achieve the particular functionality desired by the systems integrator or the end user.

The components that go into any given WhiteBerry implementation may be drawn from a large family of components which includes the EMSD protocol engines, FetchMail, ProcMail, mail forwarders, and various others. Each of these components is independent, freely available, useful in its own right, and entirely unrelated to the RIM patent.

Because of this inherently component-based nature, the WhiteBerry solution is exceedingly resistant to the RIM patent claim, and indeed to patent infringement claims in general. By making all the necessary components freely and publicly available, WhiteBerry provides systems integrators and end users with a variety of methods and strategies to circumvent or nullify invalid patent assertions.

5.4 Apply Pressure to RIM

Patent # 6,219,694 is a blatant attempt by RIM to lay exclusive claim to the entire mobile e-mail industry. The patent is fundamentally invalid, and cannot withstand technical scrutiny or legal challenge. The lawsuit against Glenayre, and the effort that the industry must now undertake to overturn the patent, are a huge waste of time and energy. In the meantime RIM's patent assertion can only be detrimental to the mobile e-mail industry, by inhibiting free and fair competition, and by depriving the end-user of the benefits thereof.

It is in everyone's interest for RIM to cease and desist in this patent assertion. We therefore urge RIM to do the right thing: abandon their current attempt to assert this patent, and renounce all future attempts.

5.5 Boycott RIM's BlackBerry System

If other measures fail to have the desired effect, and if RIM's continued prosecution of its patent assertion begins to cause damage to the mobile e-mail industry, then the FPF intends to organize and encourage a consumer boycott of RIM's BlackBerry product.

6 Making Contributions to the Free Protocols Foundation

The Free Protocols Foundation is a U.S. tax-exempt non-profit organization, and any contributions made to the FPF are tax deductible in accordance with Internal Revenue Service regulations. Any organization or individual wishing to support the goals of the FPF is requested to make an appropriate donation. Monetary contributions may be mailed to the FPF at:

Free Protocols Foundation
17005 SE 31st Place
Bellevue, WA 98008

If you wish your contribution to be used solely for the purpose of opposing the RIM patent, please mark your contribution with the annotation **RIM-6219694**.