Fearful Messagers Cross Their Thumbs

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Todd Boulanger's day starts when his BlackBerry's alarm rings at 7:15 a.m. He rolls over and checks the wireless device for e-mail. The Washington lobbyist checks it 30 times a day, sometimes at two-minute intervals. He e-mails Hill staffers, co-workers, friends, clients and his wife, all of whom check their own BlackBerrys just as religiously, and respond within minutes.

Such devotion has brought lots of money to BlackBerry maker Research in Motion Ltd., but courts have repeatedly decided the underpinning technology belongs to a tiny Northern Virginia patent holding company, NTP Inc. In coming weeks, a U.S. District Court judge in Virginia may issue an injunction that could shut BlackBerry's U.S. operations down, altering the lives of many adherents.

"That would be a pain," Boulanger said. "I haven't met anyone that has a BlackBerry that hasn't been totally addicted."

As Research in Motion's situation grew more dire this week, with the judge refusing the company's attempt to delay NTP's lawsuit, people and businesses with huge stakes in the device began working on backup plans.

"Everyone's taken notice; the word on the street is that BlackBerry is in a jam," said Bob Egan, director of emerging technology at Tower Group, a market analysis firm. He said he spoke with several financial and investment firms that are considering moving their e-mail computer servers to Canada, RIM's home country, in an attempt to avert the U.S shutdown. But no one has figured out if that would work, he said.

Wireless carriers that offer BlackBerry service declined to comment yesterday on their plans for handling customers if

http://www.washingtonpost.com/wp-dyn/content/article/2005/12/01/AR2005120101635.html?nav=rss_technology
BlackBerry goes dark.

"A lot of firms are assessing options and looking at alternatives," said Todd Christy, chief technology officer for Waltham, Mass.-based Pyxis Mobile Inc., which manages about 6,000 BlackBerry devices for financial service companies such as American Express, John Hancock and Pioneer Investments.

Clients rely on BlackBerrys with specialized applications for managing sales and checking financial portfolios, he said. "They're going through the worst-case scenario, but it's just a paper-based strategy," he said, adding that most hope RIM will settle with NTP before facing a shutdown.

After four years of litigation, RIM suffered another legal defeat Wednesday when the judge denied its request to further delay a permanent injunction. RIM could be forced to shut down service to almost all 3.65 million U.S. customers, except the 10 percent who are government or emergency-service users. It could avoid that fate by settling with NTP, which analysts have predicted could cost as much as $2 billion.

The company has said it is designing a technical detour, or "workaround," that would keep its service running without relying on the disputed technology. But it has not explained how that would work, and yesterday RIM officials declined to comment.

In a positive development for RIM yesterday, the U.S. Patent and Trademark Office rejected one of NTP's patents, and RIM has said it hopes to invalidate all of NTP's underlying licenses.

That's not enough for Joel Yarmon, technology director for Sen. Ted Stevens (R-Alaska), who said RIM's legal troubles prompted him to consider alternative software and hardware from Good Technology Inc., Palm Inc.'s Treo or Nokia Inc. for the 50 people in his office who are hooked to their BlackBerrys, including his boss.

Although his staff should be protected from a shutdown by the exemption for government employees, Yarmon isn't taking chances. Everyone from "Senator Stevens all the way to Vice President Cheney has a BlackBerry," he said. Stevens "lives and dies by that thing."

Since it hit the market seven years ago, BlackBerry has accelerated the pace of business and bred a generation of workers who rely on constant e-mail updates. It empowered lawyers, business people and real estate agents to simulate being in the office during outside meetings or while picking up dry cleaning. It made portable e-mail so easy that social and professional etiquette changed; it's now nearly an insult not to hear back from someone within several minutes of sending a wireless message. The device has even spawned modern afflictions such as "BlackBerry thumb," from typing too much on the tiny keyboard, and CrackBerry addiction, for those who can't look up from it while eating, walking or even driving.

"The BlackBerry is easily the most potent weapon in my personal and professional arsenal," said Jonathan Grella, vice president for Edelman Public Relations in Washington, who estimates more
than 90 percent of his contacts also carry the device. "Those who don't have one are at a social and professional disadvantage, because plans are often made in the BlackBerry loop."

"You're often praised for your dexterity and speediness" when working more efficiently using wireless e-mail, he said. "It's also a status symbol. Every 22- to 25-year-old can't wait to get a BlackBerry and feel they've arrived when they do."

Such validation of the technology is bittersweet for NTP.

"What RIM has shown is that the technology is very effective," said James Wallace, an attorney for McLean-based NTP, which stands to collect damages of about $240 million from RIM for past infringement. "NTP has made it quite clear that it is willing to license the technology. But RIM, the most extensive user of this technology, has refused to license."