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Democracy Dies in Darkness

Technology

Apple sued by app developer for alleged patent infringement, antitrust violation



(David Paul Morris/Bloomberg)

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An app developer is accusing Apple of patent infringement and antitrust violations in a new lawsuit filed Friday in Delaware federal court.

Blix, the maker of an email client called Blue Mail, alleged that the recently launched “Sign in with Apple” feature infringes on its patents.

While some developers have complained that Apple borrows their ideas and competes unfairly, it’s rare for software developers to confront Apple, much less file

suit. When they do, they are usually large corporations, like the music streaming service Spotify, which complained to the European Union earlier this year that Apple uses its platform to favor its own music service.

But times are changing. The biggest tech companies, including Apple, are being scrutinized by lawmakers and regulators for how they wield their market dominance. House lawmakers last month issued sweeping document requests to Silicon Valley giants, including Apple, in hopes of shedding light on their competitive practices. For instance, Apple was asked to turn over information on how it decides which apps and features to copy and why.

Silicon Valley's new-found scrutiny may be emboldening some of big tech's smaller competitors.

Blix's BlueMail launched in 2015 and has been installed by about 10 million users globally, according to the research firm Sensor Tower. In 2017, it was featured in a segment on the [Today Show](#).

Blue Mail also offers the ability to create and use random email addresses. That allows Blue Mail users to email back and forth without the person on the other end ever knowing the actual email address of the person using Blue Mail.

Apple's new sign-in feature offers a similar service. Apple customers can create new internet accounts using their Apple credentials. In the process, they can create randomly generated email addresses instead of sharing their actual addresses with outside companies. Emails to the random address are forwarded by Apple to the real address, and customers can choose to stop receiving mail from the random address. For instance, if there's too much spam.

Blue Mail doesn't claim to be the first company to conceive of masked email addresses. There are many other services that offer a similar feature. But it's accusing Apple of using its patented method for doing it, which Blue Mail says is novel and user friendly.

Apple spokesman Fred Sainz declined to comment.

Blue Mail alleges in its lawsuit, filed by law firm Quinn Emanuel Urquhart & Sullivan, that in August 2018, shortly after it launched its "anonymous share" feature, its standing in Apple's App Store began falling.

The lawsuit doesn't offer any specific evidence that Apple deliberately hurt its downloads. And according to Sensor Tower, Blue Mail's popularity, which peaked in 2016, was in decline by 2018. But Blue Mail does offer a possible motive: Apple was planning to announce a similar feature in less than a year.

Then, in May 2019, Blue Mail launched a desktop application for Mac. According to the lawsuit, the app was climbing the rankings in the store before it received an email from Apple, informing Blue Mail that it had violated Apple's terms of service. The app was spammy, or it was too similar to other apps.

Blue Mail claims in its lawsuit that Apple customers are less likely to install an application on their Mac computer if it's not available through Apple's built-in App Store. The suit cites security warnings Apple gives to customers who try to install apps by downloading the software outside the App store.

According to correspondence cited in the lawsuit, Blue Mail pushed Apple for more details on why it was being barred from the Mac App Store. Apple responded, citing Blue Mail's similarity to a different mail client called TypeApp. That one, though, was also owned by Blue Mail's parent company, and the company had stopped offering it on the App Store.

In response, Blue Mail asked how it could be too similar to TypeApp, when TypeApp was no longer in the App store.

Apple still wouldn't budge, according to the complaint. "After further review and consideration we have found that your application is still not in compliance with our guidelines," the company wrote. Apple removed the app from the store.