

September 24, 2021

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Via email

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Re: *MemoryWeb, LLC v. Apple Inc., No. 6:21-cv-00531-ADA*

Dear Dan:

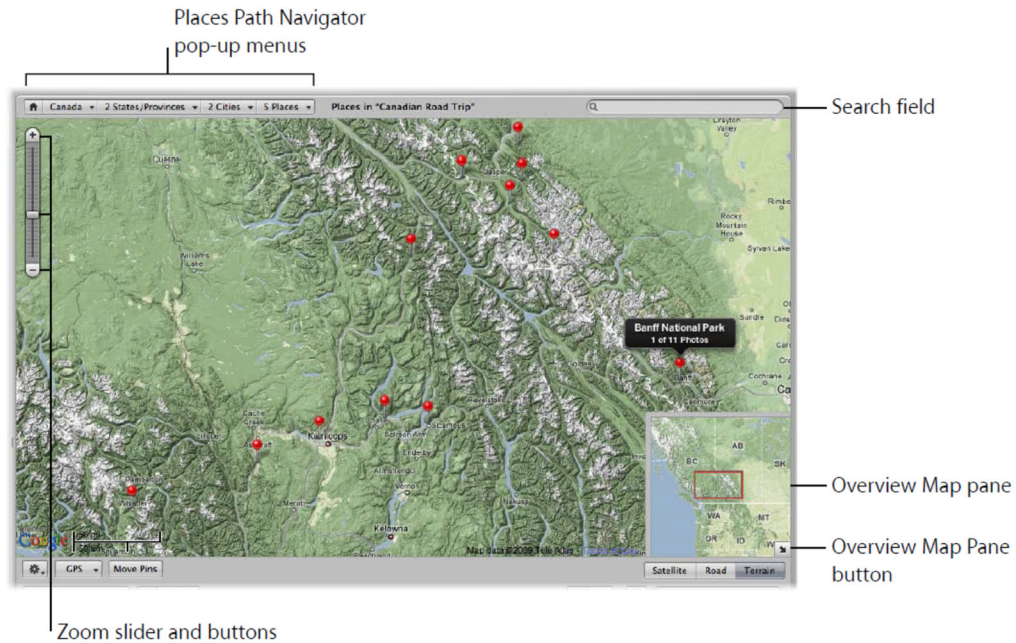
I write to request that MemoryWeb dismiss its action against Apple with prejudice because it has no viable claim.

MemoryWeb asserts patents that are invalid because they are anticipated and obvious in view of prior art—including, in particular, well-known prior art from Apple.¹ By way of example only and without limitation or waiver:

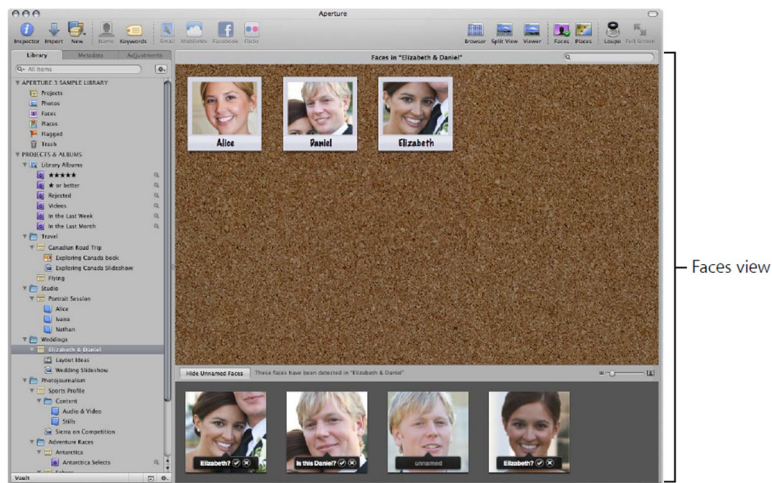
Numerous digital photo management products and services predate MemoryWeb's patents, which products and services included features for organizing and viewing photos by location, pictured individuals, or date. One prominent example well-known in the field is Apple's Aperture 3 product, released by 2010. It included a map view with which users could view photos organized by location, wherein a user's interaction with a location label would display a location view showing the photos associated with a particular location:

¹ Apple also does not infringe any of the asserted patents, and its non-infringement and other defenses as set forth in Apple's Answer pleading are not detailed herein simply for sake of brevity.

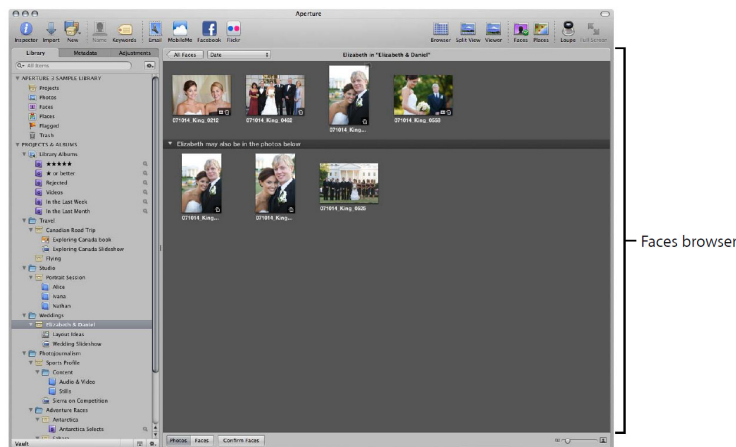
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Aperture 3 also included a “Faces” feature for viewing photos organized by individual and thumbnail images with which users could interact to access photos of particular people:

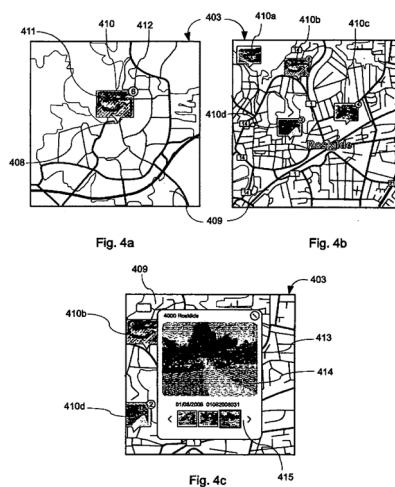


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These features were not limited to Aperture 3. Interactive map views that organized photos by location, and photo albums that organized photos and videos by people, were all well-known and widely applied in other Apple products, including iPhoto. As the maker of Aperture 3, iPhoto, and other prior art disclosing such features, Apple not only would show that its prior art anticipates and renders obvious MemoryWeb’s asserted patents, but it would do so in compelling fashion, demonstrating first-hand how it had invented, practiced, and sold products with the claimed features since well before MemoryWeb’s patents.

Nor were the sort of features that MemoryWeb claims are covered by its patents limited to Apple’s products. For example, U.S. Patent App. Pub. No. 2010/0058212 (“Belitz”), published in 2010 and assigned to Nokia, also discloses a map for viewing and organizing photos grouped by location, complete with interactive thumbnails:



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Other well-known prior art photo-storing and -sharing software similarly included such features, including Panoramio and Picasa.

MemoryWeb should not have filed this lawsuit to begin with, and in view of the foregoing it has no reasonable basis to proceed. The only way MemoryWeb can hope to mitigate the accrual of additional expenses is to immediately dismiss its complaint with prejudice. Such a dismissal is necessary to avoid subjecting both parties to undue fees and costs. *See Octane Fitness, LLC v. Icon Health & Fitness, Inc.*, 572 U. S. 545, 554 (2014). Apple reserves all rights, including to seek fees/expenses in this proceeding and invalidation of the asserted patents in patent office proceedings.

I look forward to hearing from you.

Sincerely,



Bitra Rahebi