

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

INGENIOSHARE, LLC,

Plaintiff,

v.

EPIC GAMES, INC.,

Defendant.

Civil Action No. 6:21-cv-00663

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff IngenioShare, LLC (“Plaintiff”) states for its Complaint against Epic Games, Inc. as follows:

**INTRODUCTION**

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

**PARTIES**

2. Plaintiff IngenioShare, LLC is a limited liability company organized and existing under laws of California.

3. On information and belief, Defendant Epic Games, Inc. (“Defendant”) is a corporation organized under the laws of Maryland, having a place of business

in Austin, Texas. Epic Games is registered to do business in Texas and can be served in Texas through its registered agent, C T Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201.

4. Defendant does business in Texas, directly or through intermediaries and offers products or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in this Judicial District.

### **JURISDICTION**

5. This Court has subject matter jurisdiction over all causes of action set forth herein pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. § 271, *et seq.*

6. Defendant is subject to personal jurisdiction in the State of Texas and in this Judicial District.

7. Venue for this suit is proper in this Judicial District pursuant to 28 U.S.C. § 1400(b). Defendant is registered to do business in Texas and maintains an agent for service of process in Texas. On information and belief, Defendant maintains a place of business within the Western District of Texas, as evidenced by

its website advertising job positions in Austin, Texas. On information and belief, Defendant has also committed acts of infringement in this Judicial District.

8. On information and belief, Defendant has sold and offered for sale accused products to residents of this Judicial District.

9. Defendant also has authorized retailers that offer and sell accused products on its behalf in this Judicial District. These include, for example, Best Buy stores, including those located at, for example, 4627 S Jack Kultgen Expy, Waco, TX 76706; 3550 S General Bruce Dr., Temple, TX 76504; 3209 E. Central Texas Expy., Killeen, TX 76543; 125 NW Loop 410, San Antonio, TX 78216; 6001 NW Loop 410, San Antonio, TX 78238; 2003 N Loop 1604 E, San Antonio, TX 78232; 12909 Shops Pkwy, Bee Cave, TX 78738; and 9600 S Interstate 35, Austin, TX 78748.

10. Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and this Judicial District.

11. On information and belief, Defendant has derived substantial revenues from its infringing acts occurring within the State of Texas and within this Judicial District.

12. This Court has personal jurisdiction over Defendant at least because it maintains an established place of business in this Judicial District. Defendant also has employees working in and from this Judicial District.

13. This Court also has personal jurisdiction over Defendant under the provisions of the Texas Long Arm Statute and consistent with Constitutional due process by virtue of the fact that, upon information and belief, Defendant has availed itself of the privilege of conducting and soliciting business within this State, including engaging in at least some of the infringing activities in this State, as well as by others acting as Defendant's agents and/or representatives, such that it would be reasonable for this Court to exercise jurisdiction consistent with principles underlying the U.S. Constitution and without offending traditional notions of fair play and substantial justice.

14. On information and belief, Defendant has also established minimum contacts with this Judicial District and regularly transacts and does business within this Judicial District, including advertising, promoting and selling products over the Internet, through intermediaries, representatives and/or agents located within this Judicial District, that infringe Plaintiff's patents, which products are then sold and/or shipped directly to citizens residing within this State and in this Judicial District. Upon further information and belief, Defendant has purposefully directed

activities at citizens of this State, including those located within this Judicial District.

15. On information and belief, Defendant has also purposefully and voluntarily placed its products into the stream of commerce with the expectation that they will be purchased and used by customers located in the State of Texas. On information and belief, Defendant's customers in the State of Texas, including those in this Judicial District, have purchased and used and continue to purchase and use Defendant's products.

16. Furthermore, this Court has personal jurisdiction over Defendant under the Long Arm Statute of the State of Texas because: (i) Defendant has and continues to intentionally sell products and methods to customers in Texas; (ii) Defendant has and continues to intentionally instruct customers and potential customers in Texas with respect to how to use the products and methods that Defendant sells to customers in Texas; (iii) Defendant knows and has known its products and methods, including the infringing products and methods, have and continue to be sold and marketed in Texas through regular and established distribution channels; (iv) Defendant knows and has known its products and methods will enter and/or be distributed throughout the United States of America and the State of Texas; (v) Defendant has and continues to target customers and potential customers in Texas to

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