

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

MemoryWeb, LLC,

Plaintiff,

vs.

Samsung Electronics Co., Ltd. (a Korean
Company) and Samsung Electronics
America, Inc.,

Defendants.

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Civil Action No. 21-cv-411

Jury Trial Demanded

COMPLAINT

Plaintiff MemoryWeb, LLC (“Plaintiff” or “MemoryWeb”) by its attorneys, as and for its Complaint against Defendants Samsung Electronics Co., Ltd. (“Samsung Korea”) and Samsung Electronics America, Inc. (“Samsung America”) (collectively “Defendants” or “Samsung”) states and alleges as follows:

Nature of the Action

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284 and 285.

The Parties

2. MemoryWeb is a corporation existing and organized under the laws of Illinois with its principal place of business at 526 Crescent Blvd. Suite 233, Glen Ellyn, Illinois 60137.

3. Samsung America is a corporation duly organized and existing under the laws of the State of New York, and Samsung America maintains a regular and established

place of business in the Western District of Texas at least at the following locations: 12100 Samsung Blvd, Austin, Texas 78754 and 3900 San Clemente Suite 300, North Capital of Texas Highway, Austin, Texas 78746. Samsung America may be served with process through its registered agent: CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136.

4. Samsung Korea is a company duly organized and existing under the laws of the Republic of Korea with its principal offices at 129 Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea. Further, upon information and belief, Samsung Korea directs and controls the actions of Samsung America such that it maintains a regular and established place of business in the Western District of Texas at least at the following locations: 12100 Samsung Blvd, Austin, Texas 78754 and 3900 San Clemente Suite 300, North Capital of Texas Highway, Austin, Texas 78746. Samsung Korea may be served with process by service in accordance with The Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents, in accordance with Fed. R. Civ. P. 4(f).

Jurisdiction and Venue

5. This Action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338.

6. This Court has personal jurisdiction over Samsung Korea and Samsung America under the United States Constitution, the State Laws of Texas, including Texas's long-arm statute, and/or the Federal Rules of Civil Procedure, including Fed. R. Civ. P. 4(k)(2), and the supplemental jurisdiction statute, 28 U.S.C. § 1367. Samsung Korea and Samsung America have sufficient minimum contacts with this District, through at least the

places of business at the addresses identified above, their acts of infringement within this District, and because they have continuously and systematically solicited and/or transacted business in this District such that this Court has personal jurisdiction over Samsung Korea and Samsung America.

7. Samsung America is registered to do business in the State of Texas.

8. Venue is proper in this District under 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b) because Samsung Korea and Samsung America have one or more regular and established places of business within this District and have committed acts of infringement in the District directly or indirectly—including through subsidiaries or intermediaries such as distributors, retailers, and/or contract manufacturers; by conducting its business extensively throughout the District by shipping, manufacturing, distributing, offering for sale, selling, and advertising infringing products and services which practice one or more claimed methods in the Asserted Patents (“Accused Instrumentalities”); and by purposefully and voluntarily placing Accused Instrumentalities into this District and into the stream of commerce with the intention and expectation that they will be purchased and used in an infringing manner by consumers in this District. On information and belief, Samsung Korea and/or Samsung America also use Accused Instrumentalities in this District.

9. Venue is also proper against Samsung Korea in this district pursuant to 28 U.S.C. 1391(c)(3).

10. On information and belief, Samsung markets, sells, and/or offers to sell Accused Instrumentalities in this District to actual and potential customers and end-users

located in this District at least through its website and/or authorized mobile carriers serving customers throughout the District. Exhibit 3; Exhibit 4.

11. On information and belief, Samsung has authorized retailers that offer and sell products on their behalf in this District, including Accused Instrumentalities. On information and belief, such retailers include Target, e.g., at 5401 Bosque Boulevard, Waco, Texas 76710; Best Buy, e.g., at 4627 South Jack Kultgen Expressway, Waco, Texas 76706; AT&T, e.g., at 4330 West Waco Drive, Waco, Texas 76710; TMobile, e.g., at 100 North New Road, Suite 110, Waco, Texas 76710; and Verizon, e.g., at 1820 South Valley Mills Drive, Waco, Texas 76711, among others.

12. On information and belief, Samsung has derived substantial revenue from infringing acts in the Western District of Texas, including from the sale and use of Accused Instrumentalities.

13. On information and belief, Samsung is one of the largest private employers in the District, with approximately 10,000 employees serving in a variety of capacities, including the manufacturing and research and development of components used in Infringing Instrumentalities.

14. On information and belief, Samsung's presence in the District will continue to grow, as Samsung recently purchased 258 acres of additional land on which it plans to expand its existing facilities in the District with a new \$17 billion factory that is expected to bring 1,800 new permanent jobs to the District in the first 10 years. Exhibit 5.

15. There is significant local interest in this District due to Samsung's long-standing relationship with and presence in the Austin area. Samsung is one of the largest

private employers in this District and, in connection with its planned expansion, is seeking tens of millions of dollars in state and local tax subsidies. Id.

Background

MemoryWeb's Innovative Technology

16. MemoryWeb was founded in 2014 by Christopher J. Desmond, Nancy L. Desmond, and L. Michael Taylor (“the Founders”).

17. The Founders were avid curators of photographs, possessing stockpiles of digital and print photographs that they wanted to preserve and share (e.g., family photos and photos from other memorable events in their lives). The Founders recognized that the then-available technology was not able to manage, organize, and display their photos and related information in efficient and intuitive ways.

18. Recognizing the drawbacks and limitations on prior attempts to manage, organize, and display digital photographs and related information, the Founders set out to develop an application that, among other things, would allow users to explore their libraries of photos using a variety of methodologies for more efficient digital file organization and displaying digital files using intuitive views, such as a location view and a people view.

19. The Founders chose the name “MemoryWeb” for their solution in recognition of the fact that memories are not just represented by photos alone, but by a web of information interconnecting those photos.

20. The MemoryWeb application was launched in October 2016 and is presently available as a web application or as an application for the Apple iOS and Android operating system platforms.

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