

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

SPACETIME3D, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff SpaceTime3D, Inc., complains against Defendant Apple Inc. as follows:

THE PARTIES

2. Plaintiff SpaceTime3D, Inc., is an application software company incorporated in New York, NY. Founded by Ezra Eddie Bakhsh (“Mr. Bakhsh”), SpaceTime3D delivers a seamless digital experience for consumers by using imaging and three-dimensional graphical technology to remove and expand the visual and spatial constraints on small screen displays.

3. On information and belief, Defendant Apple Inc. is a California corporation with a principal place of business at One Apple Park Way, Cupertino, California 95014.

4. On information and belief, Apple maintains regular and established places of business in Texas and in the Western District of Texas specifically, including offices at 5501 West Parmer Lane, Austin, Texas and 12535 Riata Vista Circle, Austin, Texas.

5. Apple also operates retail establishments in the Western District of Texas, including retail stores in Barton Creek, Austin, Texas and Domain Northside, Austin, Texas.

6. Further, the construction of Apple’s new \$1 billion, 3-million-square-foot Austin campus is underway. Apple has announced that this new 133-acre campus, located on or around West Parmer Lane and Dallas Drive, will “initially house 5,000 employees, with the capacity to grow to 15,000.”¹ Apple has shared that employees will start moving into the new campus this year.²



Fig. 1. Rendering of Apple’s \$1 billion Austin campus from Apple’s April 26, 2021 press release.

¹ Apple, *Apple expands in Austin* (Nov. 20, 2019), <https://www.apple.com/newsroom/2019/11/apple-expands-in-austin/> (accessed Feb. 9, 2022).

² Apple, *Apple commits \$430 billion in US Investments over five years* (Apr. 26, 2021), <https://www.apple.com/newsroom/2021/04/apple-commits-430-billion-in-us-investments-over-five-years/> (accessed Feb. 9, 2022).



Fig. 2. Aerial view of Apple's Austin campus from Apple's November 20, 2019 press release.

7. Apple also manufactures its products in Austin and has done so since at least 2013.³

8. On information and belief, Apple employs thousands of people based in the Western District of Texas and does business in this District and across Texas. Apple's employees in Austin include Software Engineers;⁴ Senior Software Engineers;⁵ and UI and UX Designers.⁶

³ Apple, *Apple's new Mac Pro to be made in Texas* (Sept. 23, 2019), <https://www.apple.com/newsroom/2019/09/apples-new-mac-pro-to-be-made-in-texas/> (accessed Feb. 9, 2022); Jack Nicas, "No, That Mac Factory in Texas Is Not New," *The New York Times* (Nov. 20, 2019), <https://www.nytimes.com/2019/11/20/us/politics/trump-texas-apple-factory.html> (accessed Feb. 9, 2022) (reporting that Apple's plant in Austin has been making Apple computers since 2013).

⁴ See, e.g., LinkedIn, *Software Engineer at Apple*, <https://www.linkedin.com/in/dinakar-pulakhandam-26946222/> (accessed Feb. 9, 2022); LinkedIn, *Software Engineer at Apple*, <https://www.linkedin.com/in/deepthi-a-40771b176/> (accessed Feb. 9, 2022); LinkedIn, *Software Engineer at Apple*, <https://www.linkedin.com/in/thomas-croft-b695a941/> (accessed Feb. 9, 2022); LinkedIn, *Software Engineer at Apple*, <https://www.linkedin.com/in/adarsh-suresh-mangalath-675b8992/> (accessed Feb. 9, 2022); LinkedIn, *Software Engineer at Apple*, <https://www.linkedin.com/in/reuben-rappaport/> (accessed Feb. 9, 2022).

⁵ See, e.g., LinkedIn, *Senior Software Engineer at Apple*, <https://www.linkedin.com/in/steven-kelsch-351a253/> (accessed Feb. 9, 2022); LinkedIn, *Senior Software Engineer at Apple*, <https://www.linkedin.com/in/shahvidhi/> (accessed Feb. 9, 2022).

⁶ See, e.g., LinkedIn, *UI/UX Designer at Apple*, <https://www.linkedin.com/in/samantha-lanier-b6493a32/> (accessed Feb. 9, 2022); LinkedIn, *UX Designer at Apple*, <https://www.linkedin.com/in/blainebogor/> (accessed Feb. 9, 2022).

Given the location of such Apple employees in Austin, on information and belief, documents and witnesses relevant to this action are located in this District.

9. Apple’s website lists numerous job openings in its Austin offices, including for various software engineering roles. For example, Apple has open positions in Austin for a “UI Engineer” to work within its Systems and Technology organization to “build[] leading edge custom applications that serve Apple customers and partners”;⁷ a “Software Engineer – Core Drivers” to “work on Apple platforms; iOS, OS X, tvOS and watchOS” to “design and implement platform level features that encompass interfacing with drivers to higher level frameworks”;⁸ a “System Performance Engineer” to “work on . . . operating systems for iPhone, iPad, Apple Watch, Mac, AppleTV, and several other ‘black box’ secret projects”;⁹ and “Software Development Engineer in Test (Swift)” to “create[] solutions centered around apps, services, tools, and systems that help Apple engineering teams worldwide realize the vision of the products they invent.”¹⁰

10. Apple has placed or contributed to placing infringing products, including but not limited to the iPhone 12, into the stream of commerce via established distribution channels, knowing or understanding that such products would be sold and used in the United States, including in the Western District of Texas. Apple has also derived substantial revenue from infringing acts in the Western District of Texas, including from the sale and use of infringing products, including but not limited to the iPhone 12.

⁷ Careers at Apple, *UI Engineer*, <https://jobs.apple.com/en-us/details/200231591/ui-engineer?team=SFTWR> (accessed Jan. 14, 2022).

⁸ Careers at Apple, *Software Engineer – Core Drivers*, <https://jobs.apple.com/en-us/details/200300508/software-engineer-core-drivers?team=SFTWR> (accessed Jan. 14, 2022).

⁹ Careers at Apple, *System Performance Engineer*, <https://jobs.apple.com/en-us/details/200331944/system-performance-engineer?team=SFTWR> (accessed Jan. 14, 2022).

¹⁰ Careers at Apple, *Software Development Engineer in Test (Swift)*, <https://jobs.apple.com/en-us/details/200246889/software-development-engineer-in-test-swift?team=SFTWR> (accessed Jan. 14, 2022).

11. On information and belief, Apple designs, manufactures, distributes, imports, offers for sale, and/or sells in Texas and the Western District of Texas devices like iPhones, iPod touches, iPads, and Apple Watches that infringe the Patents asserted in this matter.

12. Apple may be served through its Texas registered agent for service of process, CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201.

JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

14. This Court has personal jurisdiction over Apple because it has done and continues to do business in Texas, has committed and continues to commit acts of patent infringement in Texas, and has established minimum contacts with this forum state such that the exercise of jurisdiction over Apple would not offend the traditional notions of fair play and substantial justice. Upon information and belief, Apple transacts substantial business in Texas, including making, using, offering to sell and/or selling accused products in Texas, and/or inducing others to commit acts of patent infringement in Texas.

15. Venue is proper against Apple in this District pursuant to 28 U.S.C. § 1400(b) because it has maintained regular and established physical places of business in this District and has committed acts of patent infringement in the District. *See In re Cray Inc.*, 871 F.3d 1355, 1362-63 (Fed. Cir. 2017).

PATENTS-IN-SUIT

16. SpaceTime3D is the assignee of United States Patent No. 8,881,048 (the “’048 patent”), entitled “System and Method for Providing Three-Dimensional Graphical User Interface,” a true and correct copy of which is attached as **Exhibit A**. The ’048 patent is designated

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