

2. Defendant WhatsApp is a Delaware corporation and maintains its principal place of business at 1 Hacker Way, Menlo Park, California 94025 and 1601 Willow Avenue, Menlo Park, California 94025. WhatsApp may be served with process via its registered agent, CT Corporation System at 211 East 7th Street, Suite 620, Austin, Texas 78701. Upon information and belief, WhatsApp does business in Texas and offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the judicial Eastern District of Texas. WhatsApp has data centers located in the District, including but not limited to (1) a data center with an address at 4500 Like Way, Fort Worth, Texas 76177 and pays taxes in the District to Denton County for its Like Way data center; and (2) BPP at Internap Data Center located at 1221 Coit Road, Plano, Texas 75075. WhatsApp also has physical addresses located at 607 West 3rd Street, Austin, Texas 78701, 300 West Sixth Street, Austin, Texas 78701, and 5000 Like Way, Fort Worth, Texas 76177.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

4. This Court has personal jurisdiction over WhatsApp in this action because WhatsApp has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over WhatsApp would not offend traditional notions of fair play and substantial justice. WhatsApp conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United

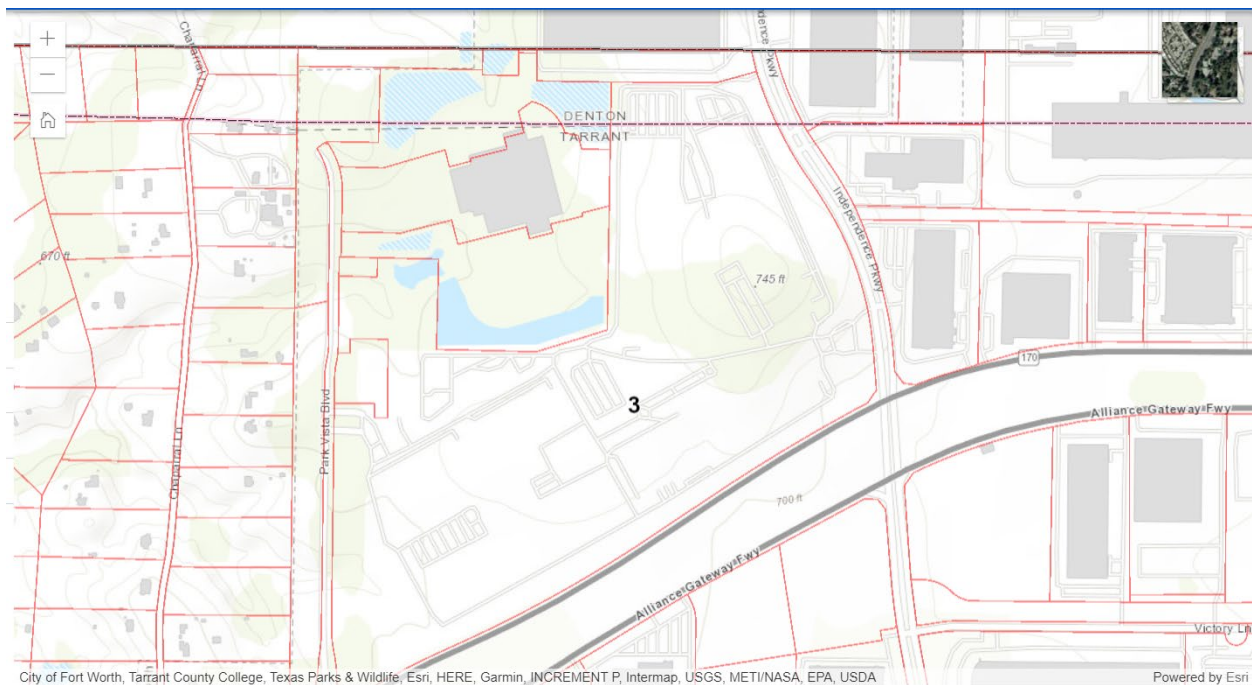
States by, among other things, offering to sell and selling products and/or services that infringe the Patents-in-Suit.

5. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b). WhatsApp is registered to do business in Texas through its parent Facebook LLC and, upon information and belief, WhatsApp has transacted business in the Eastern District of Texas and has committed acts of direct and indirect infringement in the Eastern District of Texas. WhatsApp has regular and established places of business and is deemed to reside in this Judicial District. Venue is proper at least because WhatsApp maintains a regular and established place of business in this Judicial District, including its Like Way data center located in the District with an address at 4500 Like Way, Fort Worth, Texas 76177 and the BPP at Internap Data Center located at 1221 Coit Road, Plano, Texas 75075. The Like Way data center is a physical location of WhatsApp in this District, from which WhatsApp agents and/or employees conduct its business. The Like Way data center serves and sends data and information to this District. The BPP at Internap Data Center is also a physical location of WhatsApp in this District, from which WhatsApp agents and/or employees conduct its business.

6. WhatsApp is a multinational technology company that collects, stores, organizes, and distributes data and enables communications for its customers in the District. WhatsApp provides ways for its customers in the District to communicate with other WhatsApp users including through messages, voice, and video calls, sending images and video, showing their status, and sharing their location with others in the District.

<https://www.whatsapp.com/legal/updates/terms-of-service/?lang=en>. WhatsApp provides a convenient platform that enables customers in the District to send and receive money to or from other users across the WhatsApp platform. *Id.* WhatsApp works with partners, service

providers, and affiliated companies to help provide ways for customers in the District to connect with its services. *Id.* To operate its global Services, WhatsApp uses its global infrastructure to store and distribute content and information in data centers and systems, including the Like Way data center. *Id.* Use of the Like Way data center is necessary and essential to provide WhatsApp's services to those in this District. *Id.* According to Denton County tax records (<https://www.dentoncounty.gov/841/Search-Property-Tax-Records>), WhatsApp pays taxes in the District to Denton County for its Like Way data center. Further, property records for Tarrant County reveal that the Like Way data center is located in both Tarrant County and Denton County.¹



7. The Internap Data Center is located at 1221 Coit Road, Plano, Texas 75075. On information and belief, the Internap Data Center stores, receives, and sends data and information to this District and has employees physically located and working in the District.

¹ <https://gisit.tarrantcounty.com/publicmapviewer/#>

8. WhatsApp further has a physical addresses in Texas at 607 West 3rd Street, Austin, Texas 78701 and 300 West Sixth Street, Austin, Texas 78701. On information and belief, WhatsApp has a hub for employees physically located and working in the District, such as in Plano, Texas and in Allen, Texas.

PATENTS-IN-SUIT

9. On August 2, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,408,055 (the “’055 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’055 Patent is attached hereto as Exhibit A.

10. On September 13, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,445,251 (the “’251 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’251 Patent is attached hereto as Exhibit B.

11. On October 11, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,467,838 (the “’838 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’838 Patent is attached hereto as Exhibit C.

12. On August 29, 2017, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,749,829 (the “’829 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’829 Patent is attached hereto as Exhibit D.

13. On December 8, 2009, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,630,724 (the “’724 Patent”) entitled “Method of Providing a

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