

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

PROXENSE, LLC,

Plaintiff,

v.

APPLE, INC.

Defendant.

Civil Action No. 6:24-cv-00143

JURY TRIAL REQUESTED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Proxense, LLC (“Proxense” or “Plaintiff”) hereby sets forth its Complaint for patent infringement against Defendant Apple, Inc. (“Apple” or “Defendant”), for patent infringement under 35 U.S.C. § 271 and alleges as follows:

NATURE OF THE CASE

1. This action is for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, et seq. As further stated herein, Proxense alleges that Apple willfully infringes one or more claims of patents owned by Proxense. Accordingly, Proxense seeks monetary damages and injunctive relief in this action.

THE PARTIES

2. Plaintiff Proxense, LLC is a Delaware company with its principal place of business at 689 NW Stonepine Drive, Bend, Oregon 97703. Defendant Apple, Inc. is a corporation organized and existing under the laws of California, with one or more regular and established places of business in this District at least at 12545 Riata Vista Circle, Austin, Texas 78727; 12801

Delcour Drive, Austin, Texas 78727; 6800 W Parmer Lane, Austin, Texas 78729, and 3121 Palm Way, Austin, Texas 78758. Apple may be served with process through its registered agent, the CT Corp System, at 1999 Bryan St., Ste. 900 Dallas, Texas 75201-3136. In November 2019, Apple stated that it had approximately 7,000 employees in Austin and that it expected to open, in 2022, a \$1 billion, 3 million-square foot campus with capacity for 15,000 employees. See **Exhibit 7**. Apple is registered to do business in the State of Texas and has been since at least May 16, 1980.

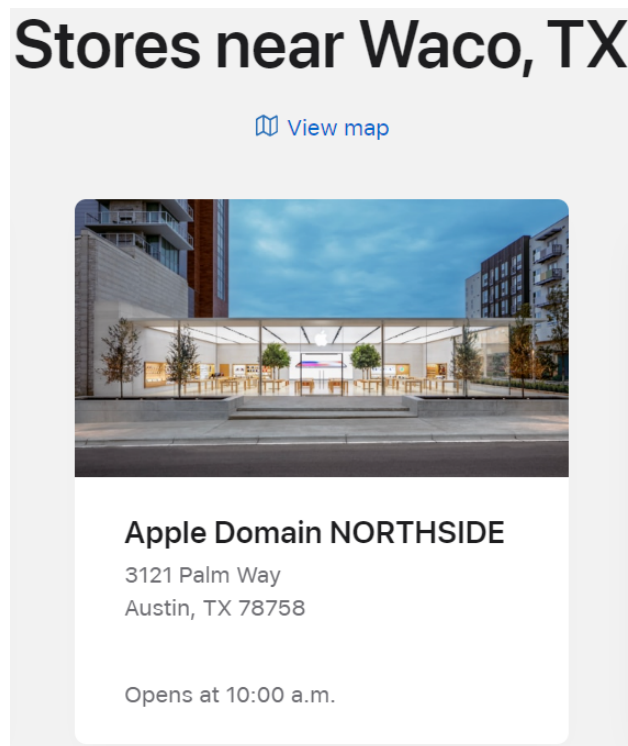
JURISDICTION AND VENUE

3. This Court has exclusive subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331, 1332, 1338, and 1367 on the grounds that this action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including, without limitation, 35 U.S.C. §§ 271, 281, 284, and 285.

4. The amount in controversy exceeds \$75,000.

5. This Court has specific personal jurisdiction over Apple because Apple is a multinational technology company that has a significant presence in the District through the products and services Apple provides residents of this District. Defendant regularly conducts business and have committed acts of patent infringement within this Judicial District that give rise to this action and have established minimum contacts within this forum such that the exercise of jurisdiction over Apple would not offend traditional notions of fair play and substantial justice. Apple has committed and continues to commit acts of infringement in this Judicial District, by, among other things, offering to sell, selling, using, importing, and/or making products and services that infringe the asserted patents. Apple has further 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.

6. Apple operates retail stores located in this Judicial District that offer and sell products on its behalf in this District, including products accused of infringement herein. For example, Apple operates the Apple Domain NORTHSIDE store located at 3121 Palm Way, Austin, Texas 78758 and the Apple Barton Creek store located at 2901 S Capital of Texas Hwy, Austin, Texas 78746. A screenshot of a search for Waco, Texas in the “Find a Store” section of Apple’s website, taken on February 10, 2024, reveals a picture of its Apple Domain NORTHSIDE location:



7. Apple’s website further indicates that its Apple Domain NORTHSIDE location offers shopping, order pickup, and support/instruction (through the Genius Bar and scheduled workshops).

8. Apple also partners with third parties in this District acting as Apple Authorized Retailers that can sell Apple products via their physical store(s). These include retailers Target

(e.g., the retail location at 5401 Bosque Blvd., Waco, TX), Walmart (e.g., the retail locations at 4320 Franklin Ave and 600 Hewitt Dr located in Waco, TX), Best Buy (e.g. the retail location at 4627 S Jack Kultgen Expy, Waco, TX), Office Depot (e.g., the retail locations at 5524 Bosque Blvd and 4627 Jack Kultgen Fwy in Waco, TX), T-Mobile (e.g., the retail locations at 2448 W Loop 340 Suite 24a and 100 N New Rd Ste 110 in Waco, TX), and Verizon (e.g., the retail locations at 2812 W Loop 340 Ste H12 and 5301 Bosque Blvd Ste 120 in Waco, TX). On information and belief, Apple Authorized Resellers are important to Apple's retail strategy and represent a large portion of sales of Apple products worldwide.

9. Proxense's causes of action arise directly from Apple's business contacts and other activities in the State of Texas and this District.

10. Apple has derived substantial revenues from its infringing acts within the State of Texas and this District.

11. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1400(b) and 1391(b) and (c) because Defendant is subject to personal jurisdiction in this Judicial District, has committed acts of patent infringement in this Judicial District, and has a regular and established place of business in this Judicial District. Defendant, through its own acts, makes, uses, sells, and/or offers to sell infringing products within this Judicial District, regularly does and solicits business in this Judicial District, and has the requisite minimum contacts with the Judicial District such that this venue is a fair and reasonable one.

12. Apple also maintains a significant physical presence in this Judicial District and employs many people in this Judicial District. On November 20, 2019, Apple announced that it was breaking ground on its \$1 billion, 3-million-square-foot campus "as part of its broad expansion in the city." See Apple Newsroom, Press Release: Apple expands in Austin, **Exhibit 7**. Apple

also described in that 2019 press release that it was “steadily growing in Austin with approximately 7,000 employees in the city.” *Id.* Not only did Apple build a new campus in Austin, “Apple and its manufacturing partners invested over \$200 million in the Mac Pro facility in Austin, building out the complex assembly line where the Mac Pro is produced.” *Id.*

13. The Mac Pro is an accused product in this case capable of using Apple Pay. Apple’s press release also revealed a photo of its Mac Pro facility in Austin, which it describes as employing more than 500 people:



14. In 2023, Apple “filed projects totaling \$240 million for an expansion of its north Austin campus...” **Exhibit 8** “Capstone Phase Two AC09 and Capstone Phase Two AC07, as the projects are called, are a four-story and a five-story building, respectively, set for construction at 6900 Parmer Lane. Between the two buildings, Apple is adding 419,441 square-feet of office space. Construction begins for both buildings on September 30 of [2023] and have an estimated completion date of March 30, 2025.” *Id.*

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