

1 JEFFER MANGELS BUTLER & MITCHELL LLP  
 2 STANLEY M. GIBSON (Bar No. 162329)  
 3 *sgibson@jmbm.com*  
 4 GREGORY S. CORDREY (Bar No. 190144)  
 5 *gcordrey@jmbm.com*  
 6 ANDREW S. DALLMANN (Bar No. 206771)  
 7 *adallmann@jmbm.com*  
 8 3 Park Plaza, Suite 1100  
 9 Irvine, California 92614-2592  
 10 Telephone: (949) 623-7200  
 11 Facsimile: (949) 623-7202

12 Attorneys for Defendants  
 13 CHIMEI INNOLUX CORPORATION,  
 14 CHIMEI OPTOELECTRONICS USA, INC.,  
 15 ACER AMERICA CORPORATION,  
 16 VIEWSONIC CORPORATION,  
 17 VIZIO, INC.

18 UNITED STATES DISTRICT COURT  
 19 CENTRAL DISTRICT OF CALIFORNIA

20 SEMICONDUCTOR ENERGY  
 21 LABORATORY CO., LTD.,

22 Plaintiff,

23 v.

24 CHIMEI INNOLUX CORPORATION,  
 25 CHI MEI OPTOELECTRONICS USA,  
 26 INC., ACER AMERICA  
 27 CORPORATION, VIEWSONIC  
 28 CORPORATION, VIZIO, INC., and  
 WESTINGHOUSE DIGITAL, LLC,

Defendants.

CASE NO. SACV12-0021-JST (JPRx)

**DEFENDANTS' NOTICE OF  
 MOTION AND MOTION TO  
 TRANSFER VENUE;  
 MEMORANDUM OF POINTS AND  
 AUTHORITIES**

Date: June 11, 2012  
 Time: 10:00 AM  
 Courtroom: 10A  
 Judge: Honorable Josephine Staton  
 Tucker

[Declarations of Andrew S. Dallmann and  
 Todd Middleton filed concurrently  
 herewith]

**TABLE OF CONTENTS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Page

I. INTRODUCTION .....2

II. STATEMENT OF FACTS.....6

    A. The Parties' Prior Litigation Before Judge Patel.....6

    B. SEL's Current Allegations Involve the Same Patents or Patents  
    Related to the Prior Litigation.....8

III. ARGUMENT .....9

    A. This Case Should be Transferred to the Northern District of  
    California.....9

        1. The Interest of Justice Weighs in Favor of Transfer to the  
        Northern District of California Because That Court is  
        Already Familiar with the Patents and Claims at Issue..... 10

        2. The *Jones* Convenience Factors Also Favor Transfer to the  
        Northern District ..... 13

        3. Plaintiff's Choice of Forum Should Be Afforded No Weight.. 15

IV. CONCLUSION .....18

**TABLE OF AUTHORITIES**

	<u>Page(s)</u>
<b>CASES</b>	
<i>Allen v. Scribner</i> , 812 F.2d 426 (9th Cir. 1987) .....	11
<i>Applied Vision, Inc. v. Optical Coating Laboratory, Inc.</i> , 1997 WL 601425 (N.D. Cal. July 27, 1997) .....	11
<i>Broadcast Data Retrieval Corp. v. Sirius Satellite Radio, Inc.</i> , 2006 U.S. Dist. LEXIS 37641 (C.D. Cal. 2006) .....	10, 15, 16
<i>Capitol Records, Inc. v. Optical Recording Corp.</i> , 810 F.Supp. 1350 (S.D.N.Y. 1992) .....	11, 12
<i>Caroline Cas. Co. v. Data Broadcasting Corp.</i> , 158 F.Supp.2d 1044 (N.D. Cal. 2001).....	6
<i>Decker Coal Co. v. Commonwealth Edison Co.</i> , 805 F.2d 834 (9th Cir. 1986) .....	10
<i>Garcia v. 3M Company</i> , 2009 U.S. Dist. LEXIS 112247 (N.D. Cal. 2009).....	6, 16
<i>J2 Global Communications, Inc. v. Protus IP Solutions, Inc.</i> , 2008 WL 5378010 (E.D. Tex. Dec. 23, 2008) .....	11
<i>Jones v. GNC Franchising, Inc.</i> , 211 F.3d 495 (9th Cir. 2000) .....	10, 13, 15
<i>Logan v. Hormel Foods Corp.</i> , 2004 WL 5216126 (E.D. Tex. 2004).....	16, 17
<i>Pacific Car &amp; Foundry Co. v. Pence</i> , 403 F.2d 949 (9th Cir. 1968) .....	15
<i>Reese v. CNH America LLC</i> , 574 F.3d 315 (6th Cir. 2009) .....	11
<i>The Regents of the University of California v. Eli Lilly and Company</i> , 119 F.3d 1559 (Fed. Cir. 1997) .....	10, 11
<i>Wham-O, Inc. v. SLB Toys, Inc.</i> , 2006 U.S. Dist. LEXIS 74768 (N.D. Cal. 2006).....	16

**TABLE OF AUTHORITIES  
[CONTINUED]**

Page(s)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**STATUTES**

28 U.S.C. § 1404(a) ..... 1, 9, 10

**OTHER AUTHORITIES**

L.R. 7-3 ..... 1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**NOTICE OF MOTION AND MOTION**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT ON June 11, 2012 at 10:00 a.m., or as soon thereafter as the matter may be heard before the Honorable Josephine Staton Tucker in Courtroom 10A of the United States District Court for the Central District of California, Southern Division, located at 411 West Fourth Street, Santa Ana, CA 92701-4516, defendants Chimei Innolux Corporation ("CMI"), Chi Mei Optoelectronics USA, Inc. ("CMO USA"), Acer America Corporation ("Acer"), ViewSonic Corporation ("ViewSonic"), VIZIO, Inc. ("VIZIO"), and Westinghouse Digital, LLC ("Westinghouse") (collectively, the "Defendants") will and hereby do move the Court to transfer venue of plaintiff Semiconductor Energy Laboratory Co., Ltd.'s ("SEL") Complaint for Patent Infringement (Case No. SACV12-0021-JST (JPRx)).

Defendants seek an order transferring SEL's Case No. SACV12-0021-JST (JPRx) to the Northern District of California. The Motion is made on the grounds that the interest of justice, judicial economy and the convenience of the parties militate a transfer of this action to the Northern District.

The Motion is made pursuant to 28 U.S.C. § 1404(a) and is based on this Notice, the attached Memorandum of Points and Authorities, all matters which this Court takes judicial notice, the Court's files in this matter, and any other evidence and argument as may be presented at the hearing on the Motion.

This Motion is further made following the conference of counsel pursuant to L.R. 7-3 which took place on April 19, 2012. Although counsel for Westinghouse did not participate in the conference, counsel for the remaining defendants informed counsel for SEL that Westinghouse would join in the motion.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.