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*HTC Corporation and HTC America, Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

INVT SPE LLC,

*Plaintiff*

v.

HTC Corporation, and

HTC America, Inc.,

*Defendants.*

) Civil Action No. 2:17-cv-03740-JMV-JBC

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**DEFENDANTS HTC CORPORATION AND HTC AMERICA, INC.'S  
REPLY BRIEF IN SUPPORT OF THEIR MOTION TO TRANSFER**

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## I. INTRODUCTION

In their Motion to Transfer, HTC Corp. and HTC America, Inc. (together, “HTC”) submitted sworn affidavits, including from third-party Qualcomm, Inc. (“Qualcomm”), demonstrating that the operative facts of this case center around California—not New Jersey. Frank Wu of HTC declared it is Qualcomm chips in the Accused Products that implement the cellular standards at issue in this case. Thus, discovery regarding Qualcomm chips will be *necessary* to prove infringement or non-infringement. Mr. Wu also confirmed that *only Qualcomm* can provide the source code and facts regarding the functionality of its chips.

Qualcomm also declared that the vast majority of its U.S. witnesses most knowledgeable of the *exact* cellular standard features and Technical Specifications recited in INVT’s Complaint are located in *California*, including: EGPRS and EGPRS2 (TS 45.001, 45.003 and 45.004); UMTS, WCDMA, HSPA (TS 25.308, 25.214, 25.319, 25.321, 25.212, 25.214); and LTE (TS. 36.211, 36.213, 36.300). HTC must be able to compel Qualcomm’s most relevant and knowledgeable witnesses to attend trial, which HTC can do only in California.

In response to HTC and Qualcomm’s evidence, INVT failed to submit any affidavits or provide any concrete evidence that New Jersey witnesses with knowledge of the *specific* cellular standard features, Technical Specifications, or Qualcomm chips at issue in this case actually *exist*. Instead, INVT provided only

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