

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

SABLE NETWORKS, INC. and SABLE IP,
LLC,

Plaintiffs

v.

JUNIPER NETWORKS, INC.

Defendant

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Civil Action No.: 6:20-cv-524-ADA

JURY TRIAL DEMANDED

**DEFENDANT JUNIPER NETWORKS, INC.'S OPPOSED MOTION TO TRANSFER
VENUE TO THE NORTHERN DISTRICT OF CALIFORNIA**

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I. INTRODUCTION

The access to sources of proof, the availability of witnesses, the cost to obtaining witnesses' attendance, and the local interest of the venue all demonstrate that the locus of this dispute is in the Northern District of California. The courts in *In re Genentech* (566 F.3d 1338 (Fed. Cir. 2009)), *In re Adobe, Inc.* (No. 2026-126, 2020 WL 4308164 (Fed. Cir. July 28, 2020)), and *Parus Holdings, Inc. v. LG Elec. Inc.* (No. 6:19-cv-00432-ADA, Dkt. 161 (W.D. Tex. 2020)) found the same factors weighed in favor of transfer and ordered that those cases be moved to the Northern District of California, and the same result should be found here.

In this dispute, the Defendant, and one of the two Plaintiffs, have bases of operations in the Northern District of California. The patents-in-suit, as well as the Accused Products were developed in that District, and the Defendant's sales, marketing, research and development operations, as well as its documents and source code, are stored there. Defendant's expected trial witnesses who lead the engineering, sales, and marketing of the Accused Products are all based in the Northern District of California. Third-party witnesses, including engineers from Broadcom with knowledge about some of the accused functionalities and 6 of the named inventors who may have knowledge about on-sale bar activities, are also based in that District.

In contrast, the Western District of Texas has no relevant ties to the parties or the case. Plaintiffs have no presence in this District. None of the Defendant's sources of proof or expected trial witnesses are in this District either. None of the Accused Products or the inventions claimed in patents-in-suit were researched or developed in this District. Thus, many of the factors clearly support transfer – including the convenience of Juniper's witnesses, the cost of obtaining witnesses' attendance, difficulty of obtaining documents and physical evidence, the location of relevant third-party witnesses, and the local interests of the District – and none of the factors

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