

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

HD SILICON SOLUTIONS LLC,

Plaintiff,

v.

MICROCHIP TECHNOLOGY INC.,

Defendant.

Civil Action No. 6:20-cv-1092-ADA

PATENT CASE

JURY TRIAL DEMANDED

**MICROCHIP'S OPPOSED MOTION TO TRANSFER VENUE TO THE
NORTHERN DISTRICT OF CALIFORNIA**

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I. INTRODUCTION

Defendant Microchip Technology Inc. (“Microchip”) moves to transfer this case to the Northern District of California (“NDCA”) under 28 U.S.C. § 1404(a).¹ It would be far more convenient to litigate and try this case in the NDCA because the majority of party and non-party witnesses are located there. The majority of the inventors and prior artists are located there, and the likely Microchip witnesses are located there or in nearby Arizona. Indeed, even plaintiff HD Silicon Solutions LLC’s (“HDSS”) likely trial witnesses are located in California since HDSS is owned by a California corporation, and managed by two California residents. Conversely, this case has no significant ties to the Western District of Texas. Its only real connection to this District is the fact that HDSS chose to file it here. Microchip is unaware of any third-party witnesses or evidence in Texas. Transfer for convenience is warranted for at least the following reasons.

First, as the Court knows, in a patent case the bulk of the evidence comes from the accused infringer. *See In re Genentech Inc.*, 566 F.3d 1338, 1345 (Fed. Cir. 2009). Microchip’s development and marketing of many of the myriad accused products occurred in the NDCA, giving the NDCA a local interest in resolving the disputes that gave rise to this suit. Most Microchip engineers knowledgeable about the accused products are located in the NDCA and in neighboring Arizona. The bulk of Microchip’s technical and marketing documents are generated and maintained in the NDCA and Arizona, not in Texas. By contrast, none of the known party witnesses likely to testify at trial are located in this District. For these reasons, the NDCA is clearly the more convenient forum for litigation and trial of this dispute.

¹ On February 11, 2021, counsel for the parties conferred in a good-faith attempt to resolve this motion by agreement, as set forth in L.R. CV-7. This motion is opposed because Plaintiff does not agree to transfer the case to NDCA.

Second, as the Court also knows, the convenience of third-party witnesses and ability to compel their attendance at trial are the most important factors in the transfer analysis. Here, this factor tips decidedly in favor of transfer to the NDCA. Most of the presently known third-party witnesses are in California, and none of them reside in Texas. Many of the named inventors of the Asserted Patents, and many named inventors of critical prior art identified to-date, reside in the NDCA. Former Microchip employees having knowledge about the development and marketing of the Accused Products are located in California. Conversely, to Microchip's present knowledge, there are no third-party witnesses residing in this District, or anywhere else in Texas for that matter.

Third, the parties' connections to this District are highly attenuated. HDSS was only recently formed as a Texas shell corporation. Microchip's office in Austin does not have any relevant witnesses, or employees dedicated to working on any of the accused features of the Accused Products.

In sum, this case involves a dispute between a shell plaintiff with California-resident principals and an Arizona-based corporate defendant regarding products developed in California and Arizona, with most party and non-party witnesses in California. It would be far more convenient for the parties and non-party witnesses if this case were litigated and tried in the NDCA. Therefore, Microchip respectfully moves to transfer the case to the NDCA.

II. FACTUAL BACKGROUND

A. The Pleadings, Asserted Patents, And Accused Products

HDSS filed this case against Microchip on November 30, 2020, alleging that Microchip infringes U.S. Patent Nos. 7,260,731 (the "'731 Patent"); 7,870,404 (the "'404 Patent"); 7,810,002 (the "'002 Patent"); 6,748,577 (the "'577 Patent"); 7,154,299 (the "'299 Patent"); 7,302,619 (the "'619 Patent"); 6,774,033 (the "'033 Patent") (collectively, the "Asserted Patents") by making and selling certain Microchip products. Dkt. 1.

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