

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

SCRAMOGE TECHNOLOGY LTD.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 6:21-cv-00454-ADA

JURY TRIAL DEMANDED



PUBLIC VERSION

**PLAINTIFF SCRAMOGE TECHNOLOGY LTD.'S OPPOSITION TO
DEFENDANTS' MOTION TO TRANSFER TO THE NORTHERN DISTRICT OF
CALIFORNIA UNDER 28 U.S.C. § 1404(a)**

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I. INTRODUCTION

Plaintiff Scramoge Technology Ltd. (“Scramoge”) files this response to Defendants’ Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (collectively, “Samsung”) Opposed Motion to Transfer to the Northern District of California (“NDCA”) Under 28 U.S.C. § 1404(a). Samsung fails to demonstrate any factor in favor of transfer to its preferred NDCA venue. Witnesses are supposed to be the most important consideration, but Samsung fails to identify even one relevant person for evaluation by the Court. Instead, Samsung makes generalized and unsupported assertions regarding tangential contacts in NDCA. But upon closer examination, they are contradicted by the record and often do not make sense. Samsung cannot carry its heavy burden to show that NDCA is the clearly more convenient venue, and its motion should be denied.

II. LEGAL STANDARD

The burden to prove that a case should be transferred for convenience falls squarely on the moving party. *In re Vistaprint Ltd.*, 628 F.3d 1342, 1346 (Fed. Cir. 2010). The burden that a movant must carry is not that the alternative venue is more convenient, but that it is *clearly* more convenient. *In re Volkswagen, Inc.*, 545 F.3d 304, 314 n.10 (5th Cir. 2008) (“*Volkswagen IP*”). The moving party “must show materially more than a mere preponderance of convenience, lest the standard have no real or practical meaning.” *Quest NetTech Corp. v. Apple, Inc.*, No. 2:19-CV-00118-JRG, 2019 WL 6344267, at *7 (E.D. Tex. Nov. 27, 2019). There are eight private and public interest factors to be considered in determining whether the alternative venue is *clearly* more convenient. *In re Volkswagen AG*, 371 F.3d 201, 203 (5th Cir. 2004) (“*Volkswagen P*”).

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