

**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)**

**TABLE OF CONTENTS**

I. INTRODUCTION ..... 1

II. LEGAL STANDARD..... 1

III. ARGUMENT ..... 2

    A. The Private Interest Factors Weigh Against Transfer..... 2

        i. Relative ease of access to sources of proof..... 2

        ii. Availability of compulsory process weighs against transfer ..... 5

        iii. Cost of attendance of willing witnesses..... 6

        iv. Judicial economy strongly weighs against transfer in light of two co-pending actions involving the same patents pending before this Court..... 8

    B. The Public Interest Factors Weigh Against Transfer..... 10

        i. This case will proceed to trial faster in this District ..... 10

        ii. Local interest..... 10

        iii. Familiarity of the forum with law-at-issue ..... 10

        iv. Conflict of laws..... 11

IV. CONCLUSION ..... 11

**TABLE OF AUTHORITIES**

**Cases**

*AGIS Software Dev. LLC v. Huawei Device USA Inc.*,  
 No. 2:17-CV-00513-JRG, 2018 WL 2329752 (E.D. Tex. May 23, 2018) ..... 8

*Camatic Proprietary Ltd. v. Irwin Seating Co.*,  
 No. 3:16-CV-0795-M, 2017 WL 2362029 (N.D. Tex. May 31, 2017) ..... 8

*CPC Patent Techs. PTY Ltd. v. Apple Inc.*,  
 No. 6:21-cv-00165, Dkt. No. 82 (W.D. Tex. Feb. 8, 2022)..... 4, 9, 10

*DynaEnergetics Eur. GmbH v. Hunting Titan, Inc.*,  
 No. 6:20-CV-00069-ADA, 2020 WL 3259807 (W.D. Tex. June 16, 2020) ..... 9

*EcoFactor, Inc. v. Google LLC*,  
 No. 6-20-CV-00075-ADA, 2021 WL 1535413 (W.D. Tex. Apr. 16, 2021) ..... 2, 3, 8, 9

*In re Acer Am. Corp.*,  
 626 F.3d 1252 (Fed. Cir. 2010)..... 10

*In re Apple Inc.*,  
 456 F. App'x 907 (Fed. Cir. 2012) ..... 5, 9

*In re Genentech, Inc.*,  
 566 F.3d 1338 (Fed. Cir. 2009)..... 8

*In re Intel Corp.*,  
 No. 2021-168, 2021 WL 4427875 (Fed. Cir. Sept. 27, 2021) ..... 8

*In re Vistaprint Ltd.*,  
 628 F.3d 1342 (Fed. Cir. 2010)..... 1

*In re Volkswagen AG*,  
 371 F.3d 201 (5th Cir. 2004) ..... 1

*In re Volkswagen of Am., Inc.*,  
 566 F.3d 1349 (Fed. Cir. 2009)..... 9

*In re Volkswagen, Inc.*,  
 545 F.3d 304 (5th Cir. 2008) ..... 1, 8

*Quest NetTech Corp. v. Apple, Inc.*,  
 No. 2:19-CV-00118-JRG, 2019 WL 6344267 (E.D. Tex. Nov. 27, 2019)..... 1

*Rockstar Consortium US LP v. Google Inc.*,  
 No. 2:13-CV-893-JRG-RSP, 2014 WL 4748692 (E.D. Tex. Sept. 23, 2014)..... 5

*Uniloc 2017 LLC v. Apple Inc.*,  
6-19-CV-00532-ADA, 2020 WL 3415880 (W.D. Tex. June 22, 2020)..... 4

## 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*”).

# 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.