

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

XR COMMUNICATIONS, LLC, dba,
VIVATO TECHNOLOGIES,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 6:21-cv-00620-ADA

JURY TRIAL DEMANDED

PUBLIC VERSION

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

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I. INTRODUCTION

From any perspective, this case belongs in California. Both parties—defendant Apple and plaintiff XR Communications (“XR”)—are headquartered in California. The accused Apple products were designed, developed, tested, and marketed in California. Apple’s technical, marketing, and financial documents, as well as all of Apple’s witnesses, are in California. Key third-party witnesses are also in California. The accused functionality—related to WiFi “beamforming”—is supplied by chips that Apple [REDACTED] engineers designed, developed, and tested that functionality. And the attorneys who prosecuted the patent-in-suit, individuals who valued it, and several named inventors are also in California.

In contrast to its strong California ties, this case’s connection to Texas is almost nonexistent. XR is neither located in Texas nor performs business there. No Apple engineers who are involved with the accused technology are located in Texas. Nor is anyone on Apple’s marketing or finance teams in Texas. And none of those Apple employees interact with individuals located in Texas as part of their work. Because the Northern District of California (“NDCA”) is a clearly more convenient forum, Apple respectfully requests the Court grant its motion to transfer.

II. BACKGROUND

Apple is a California corporation, employing more than 35,000 people who work in or around its headquarters in Cupertino, California, in the NDCA. (Ex. A, Declaration of Mark Rollins (“Rollins Decl.”) at ¶ 3.) Apple’s primary management, research and development, marketing, finance, and sales personnel are in or near Cupertino. (*Id.*)

In this case, XR accuses many of Apple’s WiFi-compatible products (“Accused Products”) of infringing United States Patent 10,715,235 (the ‘235 Patent).¹ Dkt. No. 1 at 8–9. Specifically,

¹ XR’s Complaint accuses certain iPhones, iPads, MacBooks, Macs, and Apple TV devices. Dkt. No. 1 at ¶ 22.

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