

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

CPC PATENT TECHNOLOGIES PTY LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:21-cv-00165-ADA

JURY TRIAL DEMANDED

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

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I. INTRODUCTION

This is a patent infringement case with no connection to Texas. The plaintiff, CPC, is an Australian patent holding company, and the defendant, Apple, is a California corporation. This case has numerous, direct connections to the Northern District of California but none to Texas, much less Waco. A straightforward application of the *Volkswagen* factors shows that this case should be transferred to the Northern District of California, where Apple is headquartered and where the majority of its likely witnesses are located. All of the key factors favor transfer, and *none* favor keeping this case in Waco.

While Apple maintains offices in the Western District of Texas, the groups at Apple that designed and developed the accused functionality are not located in Texas, and Apple is not aware of any employees located there who were involved in the development of the accused functionalities or with any issues implicated in this case. The accused technology was developed in the Northern District of California, the Czech Republic, and Florida. Apple's key witnesses all reside in one of these three locations, with the bulk residing in the Northern District of California. No witnesses are located in Texas. Nor is Apple aware of any relevant documents or evidence located there.

By any measure, the Northern District of California is a more appropriate venue, and this case should be transferred for the convenience of the parties and in the interest of justice. For these reasons and those discussed below, Apple respectfully requests that the Court transfer this case to the Northern District of California pursuant to 28 U.S.C. § 1404(a).

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