

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

XR COMMUNICATIONS, LLC, dba)	
VIVATO TECHNOLOGIES,)	
)	
Plaintiff,)	The Honorable
)	Alan D. Albright
-vs.-)	
)	No.: 6:21-cv-00619-ADA
AMAZON.COM, INC., AMAZON.COM)	
SERVICES LLC, and EERO LLC,)	JURY TRIAL DEMANDED
)	
Defendants.)	

**DEFENDANTS' OPPOSED MOTION TO TRANSFER VENUE UNDER
28 U.S.C. § 1404(a) TO THE NORTHERN DISTRICT OF CALIFORNIA**

Samsung et al. v. XR Commc'ns.
IPR2022-01362
Exhibit 1108

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INTRODUCTION

The Northern District of California (“NDCA”) is the most convenient venue for this patent lawsuit. Both eero LLC (“eero”) and the relevant Amazon entity, Lab126, are headquartered there. NDCA is where Defendants designed and developed the accused products. And many relevant non-parties—such as named inventors, Defendants’ suppliers of chips related to the accused WiFi functionality, and prior art witnesses—are based in NDCA, in California, or nearby in the Pacific Northwest. Even Plaintiff is headquartered in California. California is thus where likely witnesses and sources of proof are concentrated, making NDCA a clearly more convenient forum. In contrast, little to no sources of proof are in the Western District of Texas (“WDTX”).

On September 7, 2021, eero moved to dismiss or, in the alternative, transfer this action to NDCA because venue is improper in this District as to eero, and transfer of all three related Defendants would serve the interests of justice. ECF No. 23. That motion remains fully briefed, and should the Court grant that motion and transfer all parties to this action to NDCA, the present Motion would be rendered moot. Defendants nevertheless present this Motion because the Court has set a Markman hearing for June of this year and, even if the Court were to deny the earlier motion to dismiss, this action should be transferred on convenience grounds.

Defendants thus request transfer under 28 U.S.C. § 1404(a). Every convenience factor but one favors NDCA. Indeed, Google, Apple, and HP requested transfer of their cases involving the same Plaintiff and patents to NDCA for similar reasons as Defendants here—NDCA is where the parties, witnesses, and documents are concentrated. *XR Commc’ns LLC v. Google LLC*, No. 6:21-cv-625-ADA, ECF No. 25; *XR Commc’ns LLC v. Apple Inc.*, No. 6:21-cv-620-ADA, ECF No. 22; *XR Commc’ns LLC v. HP Inc.*, No. 6:21-cv-694-ADA, ECF No. 27.

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