

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

XR COMMUNICATIONS, LLC, dba
VIVATO TECHNOLOGIES,

Plaintiff,

v.

DELL TECHNOLOGIES INC. AND
DELL INC.,

Defendants.

Civil Action No. 6:21-cv-00646-ADA

**DEFENDANTS DELL TECHNOLOGIES INC. AND DELL INC.'s OPPOSED
MOTION FOR INTRA-DISTRICT TRANSFER OF VENUE TO
THE AUSTIN DIVISION OF THE WESTERN DISTRICT OF TEXAS**

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IPR2022-01362
Exhibit 1109

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This Case has no relevant connections to the Waco Division of the Western District of Texas. Dell Technologies Inc. and Dell Inc. (“Dell”) therefore seek an intra-district transfer to the Austin Division—where Dell is headquartered—under 28 U.S.C. § 1404(a). Counsel for Dell contacted counsel for XR Communications LLC dba Vivato Technologies (“Vivato”) on March 10 and again on March 14 to request a conference to discuss whether they would consent to this motion. On March 14 Plaintiff indicated that they were still evaluating Dell's request to transfer venue and that they would provide an answer in writing on March 15 as to whether they would oppose. As of this filing, Plaintiff has not indicated whether or not they oppose this request and so Dell treats this motion as opposed.

INTRODUCTION

Dell was founded in a dorm room at the University of Texas at Austin and has been headquartered in the Austin/Round Rock area for more than thirty-five years. The relevant witnesses, and documents in this case are mostly located in Austin and have no ties to the Waco Division of the Western District of Texas. Vivato’s principal place of business is in Venice, California. (*See*, Dkt. 1 ¶ 10.) Vivato does not allege that it has a presence or that it does any business in the Waco Division. (*See* Dkt. 1.) Nor does Vivato allege any relevant contacts in the Waco Division. (*See id.*) To Dell’s knowledge, there are none.

This Court recently transferred another case involving Dell as a defendant to the Austin Division, where the plaintiff had no connections to the Waco Division, and had technologies and products related to this case. *Neo Wireless LLC v. Dell Techs., Inc.*, Case No. 6:21-cv-00024 (W.D. Tex. Jan. 20, 2022), ECF No. 60 at *13–14. This very

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