

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

WAG ACQUISITION, LLC,

Plaintiff,

v.

AMAZON.COM, INC.,
AMAZON WEB SERVICES, INC., and
AMAZON.COM SERVICES LLC,

Defendants.

Civil Action No. 6:21-cv-00815-ADA

**MOTION OF DEFENDANTS AMAZON.COM, INC., AMAZON WEB
SERVICES, INC., AND AMAZON.COM SERVICES LLC TO
TRANSFER VENUE TO THE WESTERN DISTRICT OF WASHINGTON**

TABLE OF CONTENTS

		Page
I.	INTRODUCTION	1
II.	FACTUAL BACKGROUND.....	1
	A. WAG and its litigation campaign	1
	B. Amazon and the accused technology	3
III.	THIS CASE BELONGS IN THE WESTERN DISTRICT OF WASHINGTON.....	4
	A. WAG could have filed this case in the Western District of Washington.....	5
	B. The private interest factors favor transfer.....	5
	1. The most likely sources of proof are maintained and accessed primarily in Seattle or the Pacific Northwest.....	6
	2. The availability of compulsory process to secure the attendance of non-party witnesses strongly favors transfer.	7
	3. The convenience and cost of attendance for willing witnesses heavily favors transfer.....	10
	4. In light of WAG’s pending litigation in the Western District of Washington, judicial efficiency favors transfer.....	12
	C. The public interest factors favor transfer.....	13
	1. The Western District of Washington is familiar with the common specification of the patents-in-suit.....	14
	2. The Western District of Washington has a far greater interest in deciding this case than this Court.	14
	3. The other public interest factors are neutral.	15
IV.	CONCLUSION.....	15

TABLE OF AUTHORITIES

Cases:	Page(s):
<i>Auto-Dril, Inc. v. Canrig Drilling Tech. Ltd.</i> , No. 6:15-CV-00096, 2015 WL 13691866 (W.D. Tex. May 22, 2015)	15
<i>Daimler AG v. Bauman</i> , 571 U.S. 117 (2014).....	5
<i>DataQuill, Ltd. v. Apple Inc.</i> , No. A-13-CA-706-SS, 2014 WL 2722201 (W.D. Tex. June 13, 2014)	6
<i>Flexiworld Techs., Inc. v. Amazon.com, Inc.</i> , No. 6:20-CV-00553-ADA, Dkt. 101 (W.D. Tex. Aug. 2, 2021).....	5, 15
<i>Hammond Dev. Int’l, Inc. v. Amazon.com, Inc.</i> , No. 6:19-CV-00355-ADA, 2020 WL 6136783 (W.D. Tex. Mar. 30, 2020).....	14
<i>In re Apple, Inc.</i> , 581 F. App’x 886 (Fed. Cir. 2014)	10
<i>In re Apple Inc.</i> , 979 F.3d 1332 (Fed. Cir. 2020).....	12, 13, 14
<i>In re Apple Inc.</i> , No. 2021-181, slip op. (Fed. Cir. Nov. 15, 2021).....	10, 15
<i>In re Genentech, Inc.</i> , 566 F.3d 1338 (Fed. Cir. 2009).....	7, 11, 14
<i>In re Google LLC</i> , No. 2021-171, 2021 WL 4592280 (Fed. Cir. Oct. 6, 2021).....	15
<i>In re Hoffmann-La Roche Inc.</i> , 587 F.3d 1333 (Fed. Cir. 2009).....	15
<i>In re HP Inc.</i> , 826 F. App’x 899 (Fed. Cir. 2020)	12
<i>In re Hulu, LLC</i> , No. 2021-142, 2021 WL 3278194 (Fed. Cir. Aug. 2, 2021)	7
<i>In re Juniper Networks, Inc.</i> , 14 F.4th 1313 (Fed. Cir. 2021)	6, 10, 14
<i>In re Nintendo Co.</i> , 589 F.3d 1194 (Fed. Cir. 2009).....	5, 6

**TABLE OF AUTHORITIES
(CONTINUED)**

Page(s):

In re Pandora Media, LLC,
No. 2021-172, 2021 WL 4772805 (Fed. Cir. Oct. 13, 2021).....10

In re TS Tech USA Corp.,
551 F.3d 1315 (Fed. Cir. 2008).....11

In re Vistaprint Ltd.,
628 F.3d 1342 (Fed. Cir. 2010).....12

In re Volkswagen AG,
371 F.3d 201 (5th Cir. 2004)4, 10

In re Volkswagen of Am., Inc.,
545 F.3d 304 (5th Cir. 2008) (en banc)5, 6, 13

InfoGation Corp. v. Google LLC,
No. 6:20-CV-00366-ADA, 2021 WL 5547070 (W.D. Tex. Apr. 29, 2021)12, 14

Regents of the Univ. of Cal. v. Eli Lilly & Co.,
119 F.3d 1559 (Fed. Cir. 1997).....12

XY, LLC v. Trans Ova Genetics, LC,
No. W-16-CA-00447-RP, 2017 WL 5505340 (W.D. Tex. Apr. 5, 2017)6

Statutes:

28 U.S.C. § 1400(b)5

28 U.S.C. § 1404(a)4, 10

Other Authorities:

Fed. R. Civ. P. 45(c)(1)(A)7

I. INTRODUCTION

This case belongs in Washington. That is where Amazon is headquartered and where the most likely Amazon witnesses—including those most knowledgeable about the accused video streaming technology—are based. It is also where at least nine different prior art witnesses that would be outside the subpoena power of this Court are based. In contrast, this case has *no* connection whatsoever to the Western District of Texas. Plaintiff WAG certainly has none. It is based in New Jersey and has no facilities or operations in the state of Texas, let alone this district. And the sole named inventor of the patents-in-suit lives thousands of miles away in Pennsylvania. The Western District of Washington, where WAG is *currently* litigating a case involving related patents and similar accused technology, is a clearly more convenient venue for this case. The Court should transfer this case to the Western District of Washington.

II. FACTUAL BACKGROUND

A. WAG and its litigation campaign

Plaintiff WAG Acquisition, LLC (“WAG”) is based in Succasunna, New Jersey. (Dkt. 1 (“Compl.”) ¶ 4.) WAG has just two officers—its co-founders William Grywalski and Harry Emerson. (Ranganath Decl., Ex. 1.) Both Msrs. Grywalski and Emerson live in or around Flanders, New Jersey. (*Id.*, Exs. 2-3 (LinkedIn Profiles).) WAG alleges that it is a successor to SurferNETWORK; that company too is based in New Jersey.¹ (Compl. ¶ 1 (identifying WAG’s “predecessor, known as SurferNETWORK”); Ex. 4 (SurferNETWORK Webpage).)

WAG filed its complaint against Amazon.com, Inc., Amazon Web Services, Inc., and Amazon.com Services, Inc. (collectively, “Amazon”) on August 6, 2021, alleging infringement of three patents: Nos. 9,742,824 (the “’824 patent”); 9,729,594 (the “’594 patent”); and 9,762,636 (the “’636 patent”). (Compl. ¶¶ 22, 34, 44.) The patents-in-suit are related, share an identical

¹ Bill Grywalski and Harry Emerson, co-founders of WAG, are also the co-founders of SurferNETWORK. (*See* Ranganath Decl., Ex. 4 (SurferNETWORK Webpage).)

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