

Plaintiff,
v.

MICROSOFT CORPORATION,

Defendant.

)
) Civil Action No. 2:12-cv-2829 JPM
)
)
)
)

**REPLY IN SUPPORT OF DEFENDANT MICROSOFT CORPORATION'S MOTION
TO TRANSFER VENUE TO THE WESTERN DISTRICT OF WASHINGTON, OR IN
THE ALTERNATIVE, TO THE NORTHERN DISTRICT OF CALIFORNIA**

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| II. | B.E.’S CHOICE OF FORUM IS NOT ENTITLED TO DEFERENCE | 2 |
| III. | THE PRIVATE INTEREST FACTORS FAVOR TRANSFER | 3 |
| | A. The Relative Ease of Access to Sources of Proof Favors Transfer | 3 |
| | B. The Convenience to Most of the Likely Witnesses Favors Transfer | 4 |
| | 1. Availability of Compulsory Process for Non-Party Witnesses in the Respective Transferee Districts Favors Transfer | 6 |
| | C. The Convenience of the Parties Favors Transfer | 7 |
| IV. | THE PUBLIC INTEREST FACTORS FAVOR TRANSFER..... | 8 |
| | A. Artificial Conveniences Created by B.E.’s Decision to File Suit Against Multiple Defendants Do not Weigh Against Transfer | 8 |
| | B. The Western District of Tennessee Has Little or No Localized Interest in Deciding This Case | 9 |
| | C. Transfer to the Western District of Washington or Northern District of California Would Not Delay Disposition of This Matter | 9 |
| V. | CONCLUSION..... | 10 |

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|---|------|
| No. 2:11-CV-392, 2012 WL 3578605 (E.D. Tex. June 27, 2012)..... | 7 |
| <i>Fusion-IO, Inc.</i> , No. 12-139, 2012 WL 6634939, *1 (Fed. Cir. Dec. 21, 2012) | 6 |
| <i>Geotag, Inc. v. Aromatique, Inc., et al</i> , Case No. 2:10-cv-570 (E.D. Tex. Jan. 14, 2013)..... | 8, 9 |
| <i>Hunter Fan Co. v. Minka Lighting, Inc.</i> , No. 06-2108 M1/P, 2006 WL 1627746 (W.D. Tenn. June 12, 2006) | 2 |
| <i>In re EMC Corp.</i> , 677 F.3d 1351 (Fed. Cir. 2012)..... | 6, 8 |
| <i>In re Genentech, Inc.</i> , 566 F.3d 1338 (Fed. Cir. 2009)..... | 4, 6 |
| <i>In re Hoffmann-La Roche Inc.</i> , 587 F.3d 1333 (Fed. Cir. 2009)..... | 9 |
| <i>In re Link A Media Devices, Corp.</i> 662 F. 3d 1221, 1224 (Fed. Cir. 2011)..... | 4 |
| <i>In re Microsoft Corp.</i> , 630 F.3d 1361 (Fed. Cir. 2011)x..... | 7 |
| <i>In re Nintendo Co., Ltd.</i> , 589 F.3d 1194 (Fed. Cir. 2009)..... | 3, 4 |
| <i>In re Volkswagen of Am., Inc.</i> , 545 F.3d 304 (Fed. Cir. 2008) (en banc)..... | 4, 6 |
| <i>Koh v. Microtek Int'l, Inc.</i> , 250 F. Supp. 2d 627 (E.D. Va. 2003) | 5 |
| <i>Returns Distribution Specialists, LLC v. Playtex Products, Inc.</i> , No. 02-1195-T, 2003 WL 21244142 (W.D. Tenn. May 28, 2003) | 3 |
| <i>Rinks v. Hocking</i> , 1:10-CV-1102, 2011 WL 691242 (W.D. Mich. Feb. 16, 2011)..... | 5 |

28 U.S.C. § 1404(a) 1
35 U.S.C. § 299 9

this argument is inconsistent with B.E.'s own pre-suit representations to state and federal agencies. First, the company's claim of a longstanding Tennessee presence is belied by representations that B.E. made in its September 2012 application to conduct business in the state. Second, B.E. wholly fails to explain a December 2011 Patent and Trademark Office application that lists Mr. Hoyle as a resident of New Orleans Louisiana, and provides a Michigan contact address for B.E.

Even if B.E.'s chronology of purported ties to this District is correct, the balance of private and public interests weigh in favor of transfer to the Western District of Washington, or alternatively, to the Northern District of California in accordance with 28 U.S.C. § 1404(a). B.E. does not seriously dispute that the Western District of Washington and the Northern District of California (i) are districts in which Microsoft maintains a significant presence;² (ii) are the location of the vast majority of relevant documents, including the design and development of the "accused products;" (iii) are the more convenient forums for most, if not all, of the relevant engineers who designed and developed the "accused products"; (iv) are the location of companies that are likely sources of prior art – including Intel, NetGravity, and PointCast; and (v) include the headquarters of most of the defendants in the related actions.

¹ Plaintiff's Memorandum in Opposition to Defendant's Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) (hereinafter "B.E. Opp.") at 1.

² B.E. mistakenly states that Microsoft's headquarters are located in the Northern District of California. Microsoft's corporate headquarters are located in Redmond, Washington.

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