

Plaintiff,  
v. )  
 ) Civil Action No. 2:12-cv-2829 JPM  
 )  
MICROSOFT CORPORATION, )  
 )  
 )  
Defendant. )

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**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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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;<sup>2</sup> (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.

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<sup>1</sup> 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.

<sup>2</sup> 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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