

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

AGIS SOFTWARE DEVELOPMENT LLC,	§	
	§	
Plaintiff,	§	Case No. 2:17-CV-0513-JRG
	§	(LEAD CASE)
	§	
v.	§	
	§	JURY TRIAL DEMANDED
HUAWEI DEVICE USA INC., ET AL.,	§	
	§	
Defendants.	§	
	§	

**PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S OPPOSITION TO
THE HUAWEI DEFENDANTS' MOTION TO TRANSFER VENUE
TO THE NORTHERN DISTRICT OF CALIFORNIA (DKT. NO. 36)**

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Plaintiff AGIS Software Development LLC (“Plaintiff” or “AGIS”) hereby opposes Defendants Huawei Device USA Inc., Huawei Device Co., Ltd., and Huawei Device (Dongguan) Co., Ltd.’s (collectively, “Huawei”) motion to transfer this action to the Northern District of California under 28 U.S.C. § 1404(a) (the “Motion”). (Dkt. 36). This motion should be denied because Huawei has failed to show that the Northern District of California is clearly more convenient for party witnesses, non-party fact and expert witnesses, and because Huawei has not shown that the other relevant factors weigh in favor of transfer.

INTRODUCTION

Huawei has failed to demonstrate that the convenience factors justify transferring this case to the Northern District of California. Huawei manufactures a dispute by injecting an irrelevant third party, Life360, Inc., into the present dispute. Despite Huawei’s speculation, AGIS does not assert in this case that Life360, Inc. infringes any of the Patents-in-Suit and no Life360 product was included in AGIS’s Preliminary Infringement Contentions. Additionally, Huawei relies on the convenience of non-party Google as if it were a named defendant. While AGIS has accused functionality related to Google’s Android Operating System, much of that is publicly available through either open source code or public application programming interfaces (“API”). In this case, AGIS accuses Huawei’s smartphones and tablets of infringing the Patents-in-Suit—not Google’s devices. Even if Google were to possess relevant documents and employ individuals who have knowledge about the Accused Products and functionality, Huawei has not demonstrated how any specific Google witness or document would necessitate transfer to the Northern District of California. AGIS and Huawei are the parties to this case and their substantial connections to this District weigh heavily against transfer.

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