

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

AGIS SOFTWARE DEVELOPMENT LLC,	§	
	§	
Plaintiff,	§	Case No. 2:17-CV-0516-JRG
	§	
v.	§	
	§	
APPLE, INC.,	§	<b>JURY TRIAL DEMANDED</b>
	§	
Defendant.	§	
	§	

**PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S  
OPPOSITION TO DEFENDANT APPLE, INC.'S MOTION TO TRANSFER  
VENUE TO THE NORTHERN DISTRICT OF CALIFORNIA (DKT. NO. 53)**

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Plaintiff AGIS Software Development LLC (“Plaintiff” or “AGIS”) hereby opposes Defendant Apple, Inc.’s (“Apple”) motion to transfer this action to the Northern District of California under 28 U.S.C. § 1404(a) (the “Motion”). (Dkt. No. 53). This motion should be denied because Apple has failed to show that the Northern District of California is clearly more convenient for party witnesses, non-party fact and expert witnesses, nor has Apple shown that the other relevant factors weigh in favor of transfer.

### **INTRODUCTION**

Apple has failed to demonstrate that the convenience factors justify transferring this case to the Northern District of California. While Apple claims that its proposed venue may be more convenient for Apple and its employees, transfer would greatly *inconvenience* AGIS’s witnesses as well as many of the expected non-party witnesses. Instead, Apple ignores AGIS and its founder’s ties to this District and omits *any* mention of a consultant in this District identified by AGIS, whom AGIS believes will be a key witness on the development of products and technology related to the Patents-in-Suit.

Without pointing to specifics, Apple claims that seven of its own employees located in California *may* have relevant information and *may* be used as witnesses in this case. AGIS’s party witnesses, who are far less speculative than Apple’s, do not live or work anywhere near Northern California, and it would be a tremendous disruption to AGIS’s business if AGIS’s employees and consultants were forced to travel there to participate in this case. In fact, aside from its own employees, Apple points to only two potential witnesses who are closer to the Northern District of California than to the Eastern District of Texas. One is an attorney who prosecuted the Patents-in-Suit, for whom Apple offers no explanation as to why his testimony is required. The other is a named inventor who lives in Redmond, Washington. That witness

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