

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

SYNKLOUD TECHNOLOGIES, LLC,

Plaintiff,

v.

ADOBE, INC.,

Defendant.

Civil Action No.: 6:19-cv-00527-ADA

**DEFENDANT ADOBE INC.'S MOTION TO TRANSFER VENUE TO THE NORTHERN
DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. §1404 AND MEMORANDUM
IN SUPPORT**

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I. INTRODUCTION

Defendant Adobe, Inc. (“Adobe”) respectfully moves, pursuant to 28 U.S.C. § 1404(a), to transfer this case to the Northern District of California. The nexus of this litigation lies in the Northern District of California. As explained below, the convenience of the witnesses, the cost of obtaining attendance of witnesses and production of documents, the location of third parties witnesses, and the interests of justice all favor transferring this case to Northern California.

Crucially, Sheng Tai (Ted) Tsao, the named inventor of the patents-in-suit, and STT WebOS, the prior assignee and company formed by Mr. Tsao to commercialize the patents-in-suit, are located in the Northern District of California, beyond the subpoena power of this Court for trial. Mr. Tsao and STT WebOS have advertised that they had “demonstratable” products “protected by” most, if not all, of the patents-in-suit prior to the earliest filing date of the asserted patents, potentially invalidating them by violating the statutory on-sale bar. Thus, Mr. Tsao and STT WebOS have highly relevant information related to the validity issues in this case.

Plaintiff SynKloud Technologies, LLC (“SynKloud”) is a Delaware corporation with its principal place of business in Milton, Delaware. Plaintiff asserts that Adobe’s Creative Cloud, Document Cloud, and Lightroom products (the “Accused Products”) infringe six patents (the “Asserted Patents”). Compl. ¶ 10. Aside from this lawsuit, SynKloud appears to have no connection to the Western District of Texas.

Adobe is headquartered in San Jose, California, with offices in nearby San Francisco, California. The San Jose and San Francisco offices house many witnesses knowledgeable about the design, development, operation, marketing, and financial accounting of the Accused Products. While Adobe has two offices in Austin, Texas, those offices have nothing to do with the Accused Products or this case. Instead, U.S.-based party and third-party witnesses

knowledgeable about relevant information are primarily located in the Northern District of California, with no witnesses or evidence in the Western District of Texas:

Witness and/or Evidence	Primary U.S. Location
Witnesses and documents related to the design, development, and operation of the Accused Products	Northern District of California
Witnesses and documents related to marketing of the Accused Products	Northern District of California
Witnesses and documents related to the financial data and accounting for the Accused Products	Northern District of California
Inventor of the Asserted Patents, also having evidence relevant to the on-sale bar	Northern District of California
Prior assignee, STT WebOS, having evidence relevant to the on-sale bar	Northern District of California

Accordingly, Adobe respectfully requests that this Court grant Adobe's motion to transfer.

II. FACTUAL BACKGROUND

A. Plaintiff SynKloud Has No Connection to This District

SynKloud is a Delaware corporation, located in Milton, Delaware, and is a non-practicing entity “offering a beneficial and transparent portfolio license to the industry.” Ex. 1.¹ It is not registered to do business in Texas, and does not appear to have any operations, offices, employees, customers, or licensees in Texas. Ex. 2; Compl. ¶ 2; *see also* Compl. generally. Its President resides in the “Greater New York Area.” Ex. 3. Other than this litigation, SynKloud does not appear to have any connection whatsoever to Texas.

B. The Accused Products Have No Connection to This District

Adobe was founded in San Jose, California and provides products and services that give individuals and business “everything they need to design and deliver great experiences.” Ex. 4.

¹ All exhibits referenced here are attached to the Declaration of Winston Liaw (“Liaw Decl.”).

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