

09:49

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TEXAS

WACO DIVISION

SYNKLOUD TECHNOLOGIES, LLC \* March 27, 2020  
\*  
\*  
VS. \* CIVIL ACTION NOS.  
\*  
DROPOX, INC. \* W-19-CV-525, W-19-CV-526  
ADOBE, INC. \* W-19-CV-527

BEFORE THE HONORABLE ALAN D ALBRIGHT, JUDGE PRESIDING  
TELEPHONIC MOTION HEARING

## APPEARANCES:

For the Plaintiff:

Kevin James Terrazas, Esq.  
Cleveland Terrazas PLLC  
4611 Bee Cave Rd., #306 B  
Austin, TX 78746

Deepali A. Brahmhatt, Esq.  
One LLP, 4000 MacArthur Blvd.  
East Tower, Suite 500  
Newport Beach, CA 92660

John E. Lord, Esq.  
One LLP  
9301 Wilshire Blvd., Penthouse Suite  
Beverly Hills, CA 90210

For Defendant Dropbox:

J. Stephen Ravel, Esq.  
Kelly Hart & Hallman LLP  
303 Colorado Street, Suite 2000  
Austin, TX 78701

Gregory H. Lantier, Esq.  
Wilmer Hale LLP  
1875 Pennsylvania Avenue, N.W.  
Washington, DC 20006

Liv Herriot, Esq.  
Wilmer Cutler Pickering Hale & Dorr  
950 Page Mill Rd  
Palo Alto, CA 94304

1 For Defendant Adobe: Deron R. Dacus, Esq.  
The Dacus Firm, P.C.  
2 821 ESE Loop 323, Suite 430  
Tyler, TX 75701  
3  
4 Eugene Y. Mar, Esq.  
Farella Braun & Martel, LLP  
235 Montgomery Street, 17th Floor  
5 San Francisco, CA 94104  
6  
7 Winston Liaw, Esq.  
Farella Braun & Martel, LLP  
235 Montgomery Street, 17th Floor  
8 San Francisco, CA 94104  
9 Court Reporter: Kristie M. Davis  
United States District Court  
PO Box 20994  
10 Waco, Texas 76702-0994  
11  
12

13 Proceedings recorded by mechanical stenography, transcript  
14 produced by computer-aided transcription.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

10:22 1 MS. MILES: Telephonic motion hearing in Civil Action  
10:31 2 W-19-CV-525 and W-19-CV-526, styled SynKloud Technologies, LLC  
10:31 3 versus Dropbox, and Civil Action W-19-CV-527 styled SynKloud  
10:31 4 Technologies, LLC versus Adobe, Incorporated.

10:31 5 THE COURT: Good morning, everyone. If we can start off  
10:31 6 by having counsel for plaintiff who's going to be speaking or  
10:31 7 whoever -- a combination if there's more than one -- introduce  
10:31 8 themselves and then if we can have counsel for defendants do  
10:31 9 the same and who will be speaking.

10:31 10 We're learning a couple of lessons by doing these, one of  
10:31 11 which is if you are speaking on behalf of your client, if  
10:32 12 you're on speaker phone, you have to make sure that you stay  
10:32 13 pretty close to the speaker phone or we lose you, which is not  
10:32 14 good.

10:32 15 Also, occasionally I will try and improve the sound by  
10:32 16 putting my phone on mute. I haven't left, but occasionally I  
10:32 17 do forget that it's on mute, and so if there's silence when you  
10:32 18 are thinking of me, I will -- I'll do my best to remember to  
10:32 19 unmute and get back on. So that being said, again, if counsel  
10:32 20 for plaintiff would introduce themselves, please.

10:32 21 MS. BRAHMBHATT: Good morning, Your Honor. This is  
10:32 22 Deepali Brahmhatt from One LLP for plaintiff SynKloud  
10:32 23 Technologies, LLC. With me we have local counsel Kevin  
10:32 24 Terrazas and John Lord also from One LLP.

10:33 25 THE COURT: Okay.

10:33 1 MR. RAVEL: Your Honor, for defendant Dropbox this is  
10:33 2 Steve Ravel. Along with me are my co-counsel Greg Lantier and  
10:33 3 Liv Herriot from Wilmer Hale and our client representative  
10:33 4 Elena Dinuzio.

10:33 5 MR. DACUS: Good morning, Your Honor. This is Deron Dacus  
10:33 6 on behalf of Adobe, and also on the phone are Eugene Mar and  
10:33 7 Winston Liaw with the Farella Braun law firm, and our client  
10:33 8 representative Andy Nguyen is also on the phone, Your Honor,  
10:33 9 and we're ready to proceed.

10:33 10 THE REPORTER: Judge, this is Kristie. Can you ask  
10:33 11 everybody to mute their phone? There's a lot of feedback here.

10:33 12 THE COURT: You took the words out of my mouth.

10:33 13 THE REPORTER: Oh, thank you.

10:33 14 THE COURT: If I could have everyone -- and I'm going to  
10:33 15 do the same thing -- mute their phone, maybe it'll make the  
10:33 16 sound quality better. If it doesn't in a very short time, then  
10:34 17 I may try calling back in because occasionally I'm --  
10:34 18 apparently I'm the problem. But if everyone will mute, I'm  
10:34 19 going to mute, other than whoever's going to be speaking on  
10:34 20 behalf of -- I guess we'll start with someone who is arguing on  
10:34 21 behalf of the movant who is moving to transfer.

10:34 22 MR. RAVEL: Your Honor, it's Steve Ravel. I represent  
10:34 23 Dropbox, one of the movants, and I would be happy to go first.

10:34 24 THE COURT: Please do.

10:34 25 MR. RAVEL: Your Honor, may it please the Court. It has

10:34 1 been my honor to read every word you have written or said from  
10:34 2 the bench concerning convenience transfers, and some takeaways  
10:34 3 from that body of works seem to be, one, trial witnesses count.  
10:34 4 And so the availability of compulsory process is significant in  
10:35 5 this Court's decision making. Two, local interests count and  
10:35 6 tend to play a significant role in this Court's decision  
10:35 7 making.

10:35 8       During my part of the argument, I will very briefly  
10:35 9 preview Dropbox's compulsory process and local interest  
10:35 10 position, leaving the other factors and the details entirely to  
10:35 11 Mr. Lantier.

10:35 12       May I ask you to go to our Slide 2, the facts, before  
10:35 13 turning it over Mr. Lantier, and if I can direct Your Honor to  
10:35 14 that slide, I wanted to note that a rare set of facts these  
10:35 15 cases against Dropbox present. They are cases that stand out  
10:35 16 from the rest in terms of their singular connection to the  
10:35 17 transferee venue, the Northern District of California. A fair  
10:35 18 number of cases include a defendant whose headquarters,  
10:36 19 witnesses and documents are located somewhere else. We have  
10:36 20 that here. All of Dropbox's trial evidence is up in San  
10:36 21 Francisco where it is headquartered. For this reason San  
10:36 22 Francisco is more convenient.

10:36 23       But it is the other facts --

10:36 24       THE COURT: Mr. Ravel? Mr. Ravel?

10:36 25       MR. RAVEL: Yes, Judge.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.