

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

GENTEX CORPORATION and INDIGO  
TECHNOLOGIES, LLC,

Plaintiffs,

THALES VISIONIX, INC.,

Involuntary Plaintiff,

v.

FACEBOOK, INC. and FACEBOOK  
TECHNOLOGIES, LLC,

Defendants.

Case No. 6:21-cv-00755-ADA

**JURY TRIAL DEMANDED**

**PUBLIC VERSION**

**DEFENDANTS' MOTION TO TRANSFER  
TO THE NORTHERN DISTRICT OF CALIFORNIA**

**TABLE OF CONTENTS**

**I. Introduction..... 1**

**II. Factual Background..... 2**

A. Voluntary Plaintiffs Gentex and Indigo..... 2

B. Involuntary Plaintiff Thales ..... 2

C. Defendants ..... 3

D. Relevant Third Parties..... 4

**III. Legal Standard..... 5**

**IV. Argument..... 6**

A. This Action Could Have Been Filed in N.D. Cal. .... 6

B. The Private-Interests Factors All Favor Transfer to N.D. Cal. Or Are Neutral..... 7

1. **The Relative Ease of Access to Sources of Proof Favors Transfer**..... 7

2. **The Availability of Compulsory Process to Secure the Attendance of Witnesses Favors Transfer**..... 8

3. **The Cost of Attendance for Willing Witnesses Favors Transfer**..... 9

4. **Other Factors That Make Trial Easy, Expeditious, and Inexpensive Are Neutral**..... 11

C. The Public-Interest Factors All Favor Transfer Or Are Neutral..... 12

1. **Court Congestion Is Neutral**..... 12

2. **Local Interests in Having This Case Decided at Home Favor Transfer**..... 12

3. **Familiarity of the Forum With the Law Is Neutral**..... 13

4. **Conflicts of Law or Foreign Law Is Neutral** ..... 13

**V. Conclusion ..... 14**

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Affinity Labs of Texas, LLC v. Blackberry Ltd.</i> , No. 6:13-CV-362, 2014 WL 10748106 (W.D. Tex. June 11, 2014) .....	12
<i>In re Apple Inc.</i> , 979 F.3d 1332 (Fed. Cir. 2020).....	12, 13
<i>In re Apple, Inc.</i> , 581 F. App'x 886 (Fed. Cir. 2014) .....	9
<i>In re Atlassian Corp. PLC</i> , 21-177, 2021 WL 5292268 (Fed. Cir. Nov 15, 2021) .....	8
<i>Bascom v. Maxim Integrated Prods., Inc.</i> , 534 F. Supp. 2d 700 (W.D. Tex. 2008).....	13
<i>Fintiv Inc. v. Apple Inc.</i> , No. 6:18-cv-00372, 2019 WL 4743678 (W.D. Tex. Sept. 13, 2019) .....	7
<i>Fujitsu Ltd. v. Tellabs, Inc.</i> , 639 F. Supp. 2d 761 (E.D. Tex. 2009).....	8
<i>In re Genentech, Inc.</i> , 566 F.3d 1338 (Fed. Cir. 2009).....	7, 9, 11
<i>In re Google LLC</i> , 2021-170, 2021 WL 4427899 (Fed. Cir. Sept. 27, 2021) .....	7, 8, 10
<i>In re Hoffmann-La Roche Inc.</i> , 587 F.3d 1333 (Fed. Cir. 2009).....	13
<i>In re Hulu, LLC</i> , No. 2021-142, 2021 WL 3278194 (Fed. Cir. Aug. 2, 2021) .....	9, 12
<i>IpVenture, Inc. v. Prostar Computer, Inc.</i> , 503 F.3d 1324 (Fed. Cir. 2007).....	6
<i>In re Juniper Networks</i> , 14 F.4th 1313 (Fed. Cir. 2021) .....	10
<i>MasterObjects, Inc. v. Facebook, Inc.</i> , No. 6:20-CV-00087-ADA, Dkt. No. 86 (W.D. Tex. July 13, 2021) (Albright, J.) .....	7, 9, 11

*Monolithic Power Sys., Inc. v. Meraki Integrated Circuit (Shenzhen) Tech. Ltd.*,  
 No. 6:20-cv-00876-ADA, 2021 WL 5316454 (W.D. Tex. Nov. 5, 2021) .....10

*Neil Bros. Ltd. v. World Wide Lines, Inc.*,  
 425 F.Supp.2d 325 (E.D.N.Y.2006) .....7, 9

*In re Nintendo Co., Ltd.*,  
 589 F.3d 1194 (Fed. Cir 2009).....6, 11

*Opperman v. Path, Inc.*,  
 A-12-CA-219-SS, 2013 WL 7753577 (W.D. Tex. Jan. 15, 2013) .....6

*In re Quest Diagnostics Inc.*,  
 Case No. 2021-193, Dkt. 10 (Fed. Cir. Nov. 10, 2021).....11

*Texas v. Google LLC*,  
 No. 4:20-CV-957-SDJ, 2021 WL 2043184 (E.D. Tex. May 20, 2021).....12

*In re Toyota Motor Corp.*,  
 747 F.3d 1338 (Fed. Cir. 2014).....10

*In re Volkswagen AG (Volkswagen I)*,  
 371 F.3d 201 (5th Cir. 2004) .....5, 10

*In re Volkswagen of Am., Inc. (Volkswagen II)*,  
 545 F.3d 304 (5th Cir. 2008) .....5, 6, 9, 12

*XY, LLC v. Trans Ova Genetics, LC*,  
 No. W-16-CA-00447-RP, 2017 WL 5505340 (W.D. Tex. Apr. 5, 2017) .....7

**Statutes**

28 U.S.C. § 1404(a) .....1, 5, 6, 7

Defendants Meta Platforms, Inc.<sup>1</sup> and Facebook Technologies, LLC (collectively, “Meta” or “Defendants”) move to transfer this action to the Northern District of California pursuant to 28 U.S.C. § 1404(a).<sup>2</sup>

## I. INTRODUCTION

This case has no relevant connection to the Western District of Texas, a venue located far away from the parties and events that gave rise to this matter. None of the events leading up to this action arose in Waco or Texas. No party calls Texas home, and none of the patents or accused products were developed in Texas or anywhere nearby. Defendants have not identified any witnesses relevant to this suit who are located in Waco or Texas. In short, none of the evidence relevant to this suit is located in Waco or Texas.

By contrast, the core of this litigation lies in California. [REDACTED]

[REDACTED] and a significant portion of the relevant Meta witnesses are located in the Northern District of California specifically. Additionally, numerous relevant third-party witnesses are located in the Northern District of California or on the West Coast, including Eric Foxlin (the named inventor of all of the asserted patents and the sole named inventor of four out of five patents), numerous prior art authors, and multiple companies and research institutions that developed prior art products. Accordingly, Meta respectfully requests that the Court transfer this case to the Northern District of California under 28 U.S.C. § 1404(a) because it is a clearly more convenient forum than the Western District of Texas.

---

<sup>1</sup> Effective October 28, 2021, Facebook, Inc. changed its name to Meta Platforms, Inc. Dkt. 26.

<sup>2</sup> Meta reserves the right to move for intradistrict transfer.

# 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.