

**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.

META PLATFORMS, INC. and META
PLATFORMS TECHNOLOGIES, LLC,

Defendants.

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

JURY TRIAL DEMANDED

**DECLARATION OF ANDREW G. BORRASSO IN SUPPORT OF PLAINTIFFS’
OPPOSITION TO META’S MOTION TO TRANSFER VENUE
UNDER 28 U.S.C. § 1404(A)**

I, Andrew G. Borrasso, declare as follows:

1. I am an attorney associated with the law firm of Williams & Connolly LLP and a member of the bar of the District of Columbia. I am admitted to appear *pro hac vice* in this case on behalf of Plaintiffs Gentex Corporation and Indigo Technologies, LLC (collectively, “Gentex” or “Plaintiffs”). ECF No. 36.

2. I submit this declaration in support of Plaintiffs’ Opposition to Meta’s Motion to Transfer Venue Under 28 U.S.C. § 1404(a). I make this Declaration of my own personal knowledge, and I could and would testify competently thereto if called as a witness.

3. Attached to this declaration as **Exhibit 1** is a true and correct copy of Ben Lang, *Oculus Quest Review—The First Great Standalone VR Headset*, RoadToVR (May 21, 2019).

4. Attached to this declaration as **Exhibit 2** is a true and correct copy of Oculus VR, *John Carmack Joins Oculus as CTO*, Oculus Blog (Aug. 7, 2013).

5. Attached to this declaration as **Exhibit 3** is a true and correct copy of John Carmack’s Accurint Report and a true and correct copy of a Google Maps distance measurement from Carmack’s last known home address to the Waco courthouse.

6. Attached to this declaration as **Exhibit 4** is a true and correct copy of David Marlett, *The Virtual Reality of John Carmack*, D Magazine (Sept. 2015).

7. Attached to this declaration as **Exhibit 5** is a true and correct copy of *Carmack Pushes Reality with Oculus VR*, USA Today (Feb. 3, 2014).

8. Attached to this declaration as **Exhibit 6** is a true and correct copy of Hugh Langley, *Inside-out v Outside-in: How VR tracking Works, and How It’s Going To Change*, Wareable.com (May 3, 2017).

9. Attached to this declaration as **Exhibit 7** is a true and correct copy of @ID_AA_Carmack, Twitter (Dec. 8, 2014), https://twitter.com/ID_AA_Carmack/status/541987983902404608.

10. A true and correct transcription of a portion of John Carmack’s presentation at the 2019 Connect Conference reads as follows: “Now . . . as we move forward into the future with Quest, it is time for me to probably give a bit of a eulogy for *Gear VR*. . . . I invested a whole lot of effort into it, and . . . it’s the foundation that we’ve built all the mobile things off of” Meta Quest, *Day 2 Keynote | Oculus Connect 6*, YouTube, at 12:26-12:59 (Sept. 27, 2019), <https://youtu.be/PMIDAomx0GA?t=746> (emphasis added).

11. Attached to this declaration as **Exhibit 8** is a true and correct copy of the LinkedIn profile of Jonathan Wright, available at <https://www.linkedin.com/in/jonathan-e-wright>.

12. Attached to this declaration as **Exhibit 9** is a true and correct copy of the LinkedIn profile of Matt Hooper, available at <https://www.linkedin.com/in/hoopermatt>.

13. Attached to this declaration as **Exhibit 10** is a true and correct copy of excerpts of Blake J. Harris, *The History of the Future: Oculus, Facebook, and the Revolution that Swept Virtual Reality* (2019).

14. Attached to this declaration as **Exhibit 11** is a true and correct copy of Jay Peters & Adi Robertson, *John Carmack Stepping Down as CTO of Oculus to Work on AI*, The Verge (Nov. 13, 2019), <https://www.theverge.com/2019/11/13/20963899/john-carmack-stepping-down-cto-of-oculus-work-on-ai>.

15. Attached to this declaration as **Exhibit 12** is a true and correct copy of an excerpt of an Accurint report for Jonathan Wright, as well as a true and correct copy of a Google Maps distance measurement from Wright’s last known home address to the Waco courthouse.

16. Attached to this declaration as **Exhibit 13** is a true and correct copy of an excerpt of an Accurint report for Matt Hooper, as well as a true and correct copy of a Google Maps distance measurement from Hooper's last known home address to the Waco courthouse.

17. Attached to this declaration as **Exhibit 14** is a true and correct copy of the LinkedIn profile of Cass Everitt, available at www.linkedin.com/in/casseveritt.

18. Attached to this declaration as **Exhibit 15** is a true and correct copy of the LinkedIn profile of Andrew Welch, available at www.linkedin.com/in/andrew-welch-44773b59.

19. Attached to this declaration as **Exhibit 16** is a true and correct copy of the LinkedIn profile of Jonathan Atkins, available at www.linkedin.com/in/jonathanatkins27.

20. Attached to this declaration as **Exhibit 17** is a true and correct copy of Hayden Dingman, *Five Years of VR: An Oral History from Oculus Rift to Quest 2*, Tech at Meta (Mar. 29, 2021), <https://tech.fb.com/ar-vr/2021/03/five-years-of-vr-an-oral-history-from-oculus-rift-to-quest-2/>.

21. Attached to this declaration as **Exhibit 18** is a true and correct copy of Google Flights results and Google Maps directions for travel from Seattle to the San Francisco courthouse.

22. Attached to this declaration as **Exhibit 19** is a true and correct copy of an excerpt of an Accurint report for Katherine Anna Kang, as well as a true and correct copy of a Google Maps distance measurement from Kang's last known home address to the Waco courthouse.

23. Attached to this declaration as **Exhibit 20** is a true and correct copy of an excerpt of an Accurint report for Frank Brick, as well as a true and correct copy of a Google Maps distance measurement from Brick's last known home address to the Waco courthouse.

24. Attached to this declaration as **Exhibit 21** is a true and correct copy of a LegalMetric report detailing patent trial statistics for the Western District of Texas from January 2018 through December 2021.

25. Attached to this declaration as **Exhibit 22** is a true and correct copy of a LegalMetric report detailing patent trial statistics for the Northern District of California from January 2018 through December 2021.

26. Attached to this declaration as **Exhibit 23** is a true and correct copy of an email from Paige Amstutz to the Court's law clerks, dated February 17, 2022.

27. Attached to this declaration as **Exhibit 24** is a true and correct copy of the Declaration of Eric Foxlin, dated March 29, 2022, which was produced by Plaintiffs in this case with the Bates number GNTX0002574.

28. Attached to this declaration as **Exhibit 25** is a true and correct copy of *Fed Corporation Announced Acquisition of Virtual Vision, Inc. from Telxon Corporation* (Apr. 27, 1998), which was produced by Defendants in this case with the Bates number META-GNTX-00003904.

29. Attached to this declaration as **Exhibit 26** is a true and correct copy of Meta's 28 job postings in Austin to work on Oculus, last visited May 19, 2022.

30. Attached to this declaration as **Exhibit 27** is a true and correct copy of Adi Robertson, *The Oculus Quest and Oculus Rift S Launch on May 21st, and Preorders Open Today*, The Verge (Apr. 30, 2019), <https://www.theverge.com/2019/4/30/18524055/oculus-quest-rift-s-vr-headset-launch-date-preorders-price>.

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