

**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**

**PLAINTIFFS' OPPOSITION TO META'S MOTION TO TRANSFER VENUE  
UNDER 28 U.S.C. § 1404(A)**

**TABLE OF CONTENTS**

- I. BACKGROUND.....2
- II. ARGUMENT.....5
  - A. The Private Interest Factors Favor Keeping the Case in WDTX.....5
    - 1. Witness Cost and Convenience Favors WDTX.....5
    - 2. Relative Ease of Access to Sources of Proof Is Neutral. ....10
    - 3. Availability of Compulsory Process Favors WDTX. ....11
    - 4. “Practical Problems” Make Transfer Unfair, Heavily Favoring WDTX. ....12
  - B. The Public Interest Factors Favor Keeping This Case in WDTX. ....14
    - 1. Administrative Difficulties Flowing from Court Congestion Favor WDTX. ....14
    - 2. Local Interest in Having Localized Interests Decided at Home Is Neutral.....15
    - 3. Familiarity with the Law and Avoidance of Conflict of Laws Are Neutral.....15
- III. CONCLUSION.....15

**TABLE OF AUTHORITIES**

**CASES**

*Action Indus., Inc. v. U.S. Fid. & Guar. Co.*,  
358 F.3d 337 (5th Cir. 2004) .....5

*Alacritech Inc. v. CenturyLink, Inc.*,  
2017 WL 4155236 (E.D. Tex. Sept. 19, 2017).....5

*BillJCo, LLC v. Apple Inc.*,  
2022 WL 607890 (W.D. Tex. Mar. 1, 2022) .....11, 15

*Def. Distributed v. Bruck*,  
30 F.4th 414 (5th Cir. 2022) .....11

*Fintiv, Inc. v. Apple Inc.*,  
2019 WL 4743678 (W.D. Tex. Sept. 13, 2019).....11

*FTC v. Multinet Mktg., LLC*,  
959 F. Supp. 394 (N.D. Tex. 1997) .....13

*Healthpoint, Ltd. v. Derma Scis., Inc.*,  
939 F. Supp. 2d 680 (W.D. Tex. 2013).....10

*Hoffman v. Blaski*,  
363 U.S. 335 (1960).....5

*In re Apple*,  
979 F.3d 1332 (Fed. Cir. 2020).....14, 15

*In re Genentech, Inc.*,  
566 F.3d 1338 (Fed. Cir. 2009).....5, 14

*In re Volkswagen of Am., Inc. (Volkswagen II)*,  
545 F.3d 304 (5th Cir. 2008) .....5, 12, 15  
Case 6:21-cv-00755-ADA Document 61 Filed 05/20/22 Page 3 of 21

*In re Wyeth*,  
406 F. App'x 475 (Fed. Cir. 2010) .....12

*Intellectual Ventures I LLC v. Hewlett Packard Enter. Co.*,  
2022 WL 1491096 (W.D. Tex. May 11, 2022) .....10

*Konami Digit. Ent. Co. v. Harmonix Music Sys., Inc.*,  
2009 WL 781134 (E.D. Tex. Mar 23, 2009) .....13, 14

*Kuster v. W. Digital Techs., Inc.*,  
2021 WL 466147 (W.D. Tex. Feb. 9, 2021).....12

*Martin v. BNSF Ry. Co.*,  
2007 WL 4333341 (E.D. Tex. Dec. 10, 2007).....14

*Monterey Rsch., LLC v. Broadcom Corp.*,  
2022 WL 526240 (W.D. Tex. Feb. 21, 2022).....10, 14

*Peteet v. Dow Chem. Co.*,  
868 F.2d 1428 (5th Cir. 1989) .....12

*Stewart Org. v. Ricoh Corp.*,  
487 U.S. 22 (1988).....5, 14

*TPQ Dev., LLC v. LinkedIn Corp.*,  
2013 WL 12247813 (E.D. Tex. Mar. 28, 2013) .....13

*Voxer, Inc. v. Facebook, Inc.*,  
2020 WL 3416012 (W.D. Tex. June 22, 2020) .....9, 12

Plaintiffs Gentex Corporation and Indigo Technologies, LLC (“Gentex”) filed this patent infringement suit against Meta in July 2021. For seven months, Meta actively litigated the case in this District: it answered the complaint, negotiated case management issues, served contentions, requested extensions, and filed three discovery motions. Only in February 2022 did Meta file its motion to transfer venue to the Northern District of California (“NDCA”).

There are two explanations for Meta’s litigate-and-wait approach. Either it took Meta seven months to gin up justifications for transfer—despite the fact that its arguments are based primarily on its own witnesses and documents. This, of course, belies any notion that NDCA is clearly more convenient than the Western District of Texas (“WDTX”). Or, if Meta did not delay for substantive reasons, its delay was strategic: wait as long as possible before filing, knowing that this Court would delay the *Markman* hearing if a venue transfer motion were still pending at the time of the originally scheduled hearing. Yet that gamesmanship would sink the motion on fairness grounds. In either case, Meta’s delay is reason enough to deny its Motion.

Whatever the reason, Meta’s foot-dragging is understandable: this case has close ties to Texas and plainly does not warrant transfer. Although the Court would never know it from reading Meta’s motion, Dallas was a technological hub for Oculus, the company that created the foundational predecessors to the accused products. Dallas was the home base for Chief Technology Officer (and current Meta consultant) John Carmack, along with other engineers who worked on predecessors that formed the technological backbone to the accused products and who continue to work on these products to this day. Carmack, and others in Texas residing within 100 miles of the Waco courthouse, participated directly in negotiations leading to then-Facebook’s acquisition of Oculus, a transaction that forms a substantial basis for Gentex’s allegations of willful infringement in this matter. And still today, Texas is home to two Meta offices, including one of

Case 6:21-cv-00755-ADA Document 61 Filed 05/20/22 Page 5 of 21

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