

**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**

**PUBLIC VERSION**

**DEFENDANTS' REPLY IN SUPPORT OF MOTION TO TRANSFER  
TO THE NORTHERN DISTRICT OF CALIFORNIA**

**TABLE OF CONTENTS**

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

**II. The Availability of Compulsory Process Favors Transfer..... 2**

**III. The Convenience for Willing Witnesses Favors Transfer..... 3**

**IV. Other Factors That Make Trial Easy, Expeditious, Inexpensive Are Neutral..... 5**

**V. The Public-Interest Factors Favor Transfer or Are Neutral..... 5**

**TABLE OF AUTHORITIES**

**Page(s)**

**Cases**

*In re Apple Inc.*,  
2021 WL 5291804 (Fed. Cir. 2021).....5

*In re: Apple Inc.*,  
2022 WL 1196768 (Fed. Cir. 2022).....2, 4, 5

*In re: Apple Inc.*,  
2022 WL 1676400 (Fed. Cir. 2022).....4

*Decapolis v. eClinical*,  
No. 6:21-CV-00502-ADA, Dkt. 30 (W.D. Tex. Mar. 1, 2022) .....1, 5

*In re Google*,  
No. 2022-140, Dkt. 16 (Fed. Cir. May 23, 2022) .....4

*In re Horseshoe*,  
337 F.3d 429 (5th Cir. 2003) .....5

*IGS v. Microsoft*,  
2022 WL 1314462 (W.D. Tex. Apr. 20, 2022).....1, 4

*LoganTree v. Apple*,  
2022 WL 1491097 (W.D. Tex. May 11, 2022) .....3, 4, 5

*WSOU v. Arista*,  
2021 WL 6015526 (W.D. Tex. Nov. 5, 2021).....5

**TABLE OF ABBREVIATIONS**

<b>Abbreviation</b>	<b>Document</b>
D1	Declaration of Joshua Glucoft in Support of Defendants' Reply in Support of Motion to Transfer Venue to N.D. Cal.
D2	Declaration of Andrew Melim in Support of Defendants' Reply in Support of Motion to Transfer Venue to N.D. Cal.
D3	Declaration of Jonathan Wright in Support of Defendants' Reply in Support of Motion to Transfer Venue to N.D. Cal.
D4	Declaration of Nicholas Wong in Support of Defendants' Reply in Support of Motion to Transfer Venue to N.D. Cal.

This action's center of gravity is in NDCA. Gentex has not disputed that NDCA is where Meta is headquartered, accused functionality was developed, key Meta developers and Gentex's inventor still reside, and the Oculus financial and marketing witnesses and documents are located. Meta's accused sensor, camera, and tracking technology for all accused products was designed, developed, and is maintained far from Texas, primarily in NDCA and Washington.

Meta followed this Court's venue approach by first determining the relevant sources of proof and then finding their locations. In contrast, Gentex began by searching for Texas people, then stretching for reasons to include them. Thus, Gentex ensnares irrelevant people by (1) shifting focus away from the accused functionality to unaccused products and peripheral features, and (2) relying on speculative and inaccurate inferences, and unreliable, unsworn, triple hearsay, to allege that Texas people are relevant, such as an employee's ex-wife who merely helped negotiate his salary 8 years ago. But if Gentex's approach were applied consistently across venues, the NDCA evidence would further dwarf Gentex's few, tangential Texas individuals because hundreds or thousands more people (and their documents) in NDCA would become relevant. Whether venue is analyzed under the proper approach or Gentex's, NDCA is clearly more convenient.

#### **I. The Relative Ease of Access to Sources of Proof Favors Transfer**

The relevant Oculus functionality is sensor, camera, and tracking hardware and algorithms, all of which were designed, developed, and are maintained exclusively outside Texas, largely in NDCA, based on Meta's extensive investigation. D2 ¶¶ 2-4; D3 ¶¶ 2-3; Dkt. 39-1 ¶¶ 7-10, 12-13; Ex. II at 13-19; Ex. EEE; Ex. GGG at 5. Gentex's own evidence confirms Defendants' investigation and that NDCA employees developed these features. Dkt. 61-18, ECF 41, 46; Ex. II at 14, 18. The "logical conclusion" is "that the documents are also located in [NDCA] and not in Texas." *IGS v. Microsoft*, 2022 WL 1314462, at \*3 (WDTX Apr. 20, 2022); *Decapolis v. eClinical*,

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