

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

AIRE TECHNOLOGY LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:21-cv-01101 - ADA

JURY TRIAL DEMANDED



DEFENDANT APPLE INC.'S SEALED OPPOSED MOTION TO TRANSFER VENUE
UNDER 28 U.S.C. § 1404(a)

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I. INTRODUCTION

This suit has no relevant connection to the Western District of Texas (“W.D. Tex.”), and has significant connections to the Northern District of California (“N.D. Cal.”). Accordingly, Defendant Apple Inc. (“Apple”) seeks transfer to N.D. Cal. under 28 U.S.C. § 1404(a) for the “convenience of parties and witnesses, in the interest of justice.”

Other than this litigation, Plaintiff Aire Technology Ltd. (“Aire”) appears to have no connection to Texas. Aire, an Irish holding company, does not appear to have a U.S. presence nor is it registered to do business in Texas and, just one month before filing suit, acquired the Asserted Patents from a German company that also appears to have no connection to Texas. Aire has identified no witnesses, custodians, or records of its own (or of the original patentee) in Texas or the U.S. The only connection that Aire has identified between this suit and W.D. Tex. are legally irrelevant facilities (e.g., Apple retail stores selling the accused products) or speculation about legally irrelevant hiring plans (e.g., an Apple job posting with no relationship to the accused technology) in Texas. But these “general contacts . . . that are untethered to the lawsuit” and common across districts are of no moment—the § 1404 inquiry concerns only any “significant connections between a particular venue and *the events that gave rise to a suit.*” *In re Apple Inc.*, 979 F.3d 1332, 1345 (Fed. Cir. 2020) (“*Apple III*”) (emphasis in original).

Here, the relevant “events” demonstrate a “significant connection” to N.D. Cal. Apple’s headquarters are in N.D. Cal, and its relevant technical and non-technical witnesses and records are overwhelmingly in N.D. Cal., while none are in Texas. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Even at this preliminary

stage, Apple also has identified three additional third-party entities and eight prior art inventors

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