

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

ADVANCED SILICON
TECHNOLOGIES LLC,

Plaintiff,

v.

NXP SEMICONDUCTORS N.V.,
NXP B.V., and
NXP USA, INC.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

Case. No. 6:22-CV-0466-ADA-DTG

**DEFENDANT NXP USA, INC.'S
OPPOSED MOTION FOR INTRA-DISTRICT TRANSFER
TO THE AUSTIN DIVISION OF THE WESTERN DISTRICT OF TEXAS**

TABLE OF CONTENTS

I. INTRODUCTION 1

II. FACTUAL BACKGROUND..... 1

III. STATEMENT OF THE LAW..... 2

IV. THE TRANSFER ANALYSIS FAVORS THE AUSTIN DIVISION..... 4

 A. These Actions Could Have Been Brought in the Austin Division..... 5

 B. The Private Interest Factors Favor Transfer 5

 1. Relative Ease of Access to Sources of Proof Strongly Favors Transfer..... 5

 2. Convenience and Cost for Willing Witnesses Strongly Favors Transfer 6

 3. Other Practical Factors Favor Transfer..... 7

 4. Availability of Compulsory Process Is Neutral 8

 C. The Public Interest Factors Favor Transfer 8

 1. Local Interest in Adjudicating Local Disputes Favors Transfer..... 8

 2. Administrative Difficulties Flowing from Court Congestion is Neutral 9

 3. Familiarity With the Law, and Avoidance of Conflicts Factors Are Neutral..... 10

V. CONCLUSION..... 10

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>DataScape, Ltd. v. Dell Techs., Inc.</i> , No. 6:19-cv-00129-ADA, 2019 WL 4254069 (W.D. Tex. June 7, 2019)	4, 5, 7
<i>Fintiv, Inc. v. Apple Inc.</i> , No. 6:18-CV-00372-ADA, 2019 WL 4743678 (W.D. Tex. Sept. 13, 2019)	6
<i>Freshub, Inc. v. Amazon.com Inc.</i> , No. 6:19-cv-388-ADA, Dkt. 29 (W.D. Tex. Sept. 9, 2019)	4
<i>Future Link Sys., LLC v. Advanced Micro Devices, Inc.</i> , No. 6:20-cv-01176-ADA, 2021 WL 6015535 (W.D. Tex. Oct. 18, 2021).....	6, 7, 9
<i>In re Genentech, Inc.</i> , 566 F.3d 1338 (Fed. Cir. 2009).....	3, 5, 6, 9
<i>Hammond Dev. Int’l, Inc. v. Amazon.com, Inc.</i> , No. 6:19-cv-355-ADA, 2020 WL 6136783 (W.D. Tex. Mar. 30, 2020)	6, 7, 9
<i>In re Hulu, LLC</i> , No. 2021-142, 2021 WL 3278194 (Fed. Cir. Aug. 2, 2021)	9, 10
<i>Identity Security LLC v. Apple, Inc.</i> , No. 6:21-cv-00460-ADA, Dkt. 59 (Jan. 20, 2022)	6, 7, 9
<i>McCloud v. McClinton Energy Grp., L.L.C.</i> , No. 5:14-cv-620-XR, 2014 WL 6388417 (W.D. Tex. Nov. 14, 2014).....	6
<i>Mimedx Grp., Inc. v. Texas Human Biologics, Ltd.</i> , No. 1:14-cv-464-LY, 2014 WL 12479284 (W.D. Tex. Aug. 12, 2014).....	4, 7, 8
<i>Neo Wireless, LLC v. Dell Techs. Inc.</i> , No 6:21-cv-00024-ADA, Dkt. 60 (Jan. 20, 2022)	6, 7, 9
<i>In re Nintendo, Co. Ltd.</i> , 589 F.3d 1194 (Fed. Cir. 2009).....	3, 5, 7
<i>In re Radmax, Ltd.</i> , 720 F.3d 285 (5th Cir. 2013)	4, 6
<i>In re Toa Techs., Inc.</i> , 543 F. App’x 1006 (Fed. Cir. 2013)	5
<i>In re TS Tech USA Corp.</i> , 551 F.3d 1315 (Fed. Cir. 2008).....	3, 10
<i>In re Volkswagen AG</i> , 371 F.3d 201 (5th Cir. 2004)	3, 7, 8

In re Volkswagen of Am., Inc.,
545 F.3d 304 (5th Cir. 2008)3, 7, 8

Rules and Statutes

28 U.S.C. § 1400(b)5

28 U.S.C. § 1404(a)1, 3, 4

Fed. R. Civ. P. 458

Pursuant to 28 U.S.C. § 1404(a), NXP USA, Inc. (“NXP”) moves the Court to transfer this case from the Waco Division to the Austin Division of the Western District of Texas.

I. INTRODUCTION

Advanced Silicon Technologies LLC (“AST”) filed this case in the Waco Division of the Western District of Texas accusing NXP of patent infringement. Dkt. 1 (“Compl.”) ¶ 4. Neither AST nor NXP has offices in this division. NXP is headquartered in Austin, and AST does not appear to have a physical presence in Texas. *See id.* ¶¶ 7, 4. The Austin Division is clearly a more convenient forum for this lawsuit. The Austin Division is more convenient in terms of likely witnesses, and Austin itself has a strong local interest in the resolution of this dispute. The Waco Division, in contrast, appears to have no connection to this lawsuit, including no related places of business, no likely witnesses, and no local interest.

This case belongs in Austin, and NXP respectfully requests that the Court transfer it there pursuant to 28 U.S.C. § 1404(a).

II. FACTUAL BACKGROUND

AST asserts that NXP infringes two patents by importing, using, selling, and/or offering for sale integrated circuits that are manufactured by NXP. Compl. ¶¶ 13, 17. AST accuses the i.MX family of microprocessors (“Accused Products”) of infringing the Asserted Patents.¹ Ex. 1 (Ex. A to AST’s Infringement Contentions) at 1; Ex. 2 (Ex. B to AST’s Infringement Contentions) at 1.

NXP is headquartered in Austin, TX (Compl. ¶ 7) and has approximately 4,000 Austin-based employees (Ex. 3). The worldwide engineering team responsible for the design and

¹ AST alleges infringement of U.S. Patent Nos. 7,804,435 and 8,933,945 (collectively, “Asserted Patents”).

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.