

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

JAWBONE INNOVATIONS, LLC,

Plaintiff,

v.

META PLATFORMS, INC.,

Defendant.

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Case No. 6:23-cv-00158-ADA

**JURY TRIAL DEMANDED**



**PLAINTIFF JAWBONE INNOVATIONS, LLC'S RESPONSE  
IN OPPOSITION TO META PLATFORMS, INC.'S OPPOSED  
MOTION TO TRANSFER VENUE TO THE  
NORTHERN DISTRICT OF CALIFORNIA (DKT. 28)**

**TABLE OF CONTENTS**

|   | <b><u>Page(s)</u></b> |
|---|-----------------------|
| I. BACKGROUND .....   | 1                     |
| II. LEGAL STANDARDS .....   | 2                     |
| III. ARGUMENT .....   | 3                     |
| A. The Private Interest Factors Do Not Favor Transfer .....   | 3                     |
| 1. Relative Ease of Access to Sources of Proof Weighs Against<br>Transfer .....                                 | 3                     |
| 2. Cost of Attendance for Willing Witnesses Weighs Against<br>Transfer .....                                    | 5                     |
| 3. The Availability of Compulsory Process to Secure the<br>Attendance of Witnesses Weighs Against Transfer..... | 10                    |
| 4. Judicial Economy Weighs Against Transfer.....  | 14                    |
| B. The Public Interest Factors Do Not Favor Transfer.....   | 14                    |
| The Local Interests Do Not Weigh in Favor of Transfer.....  | 14                    |
| Court Congestion Weigh Against Transfer.....  | 14                    |
| Familiarity of the Forum with the Law Does Not Favor Transfer.....  | 15                    |
| The Totality of the Circumstances Fails to Show NDCA is Clearly More<br>Convenient .....                        | 15                    |

**TABLE OF AUTHORITIES**

|  | <b>Page(s)</b> |
|--|----------------|
| <b>Cases</b>   |                |
| <i>In re Clarke</i> ,<br>94 F.4th 502 (5th Cir. Mar. 1, 2024).....   | 3, 6, 14, 15   |
| <i>Content Guard Holdings, Inc. v. Amazon.com, Inc.</i> ,<br>No. 2:13-CV-1112-JRG, 2015 WL 1885256 (E.D. Tex. Apr. 24, 2015) ..... | 15             |
| <i>Defense Distrib. v. Bruck</i> ,<br>30 F.4th 414 (5th Cir. 2022) .....   | 2, 3           |
| <i>Gentex Corp. v. Meta Platforms, Inc.</i> ,<br>No. 6:21-cv-00755-ADA, 2022 WL 2654986 (W.D. Tex. June. 30, 2022) .....           | 5, 13          |
| <i>In re Google LLC</i> ,<br>58 F.4th 1379 (Fed. Cir. Feb. 1, 2023) .....  | 15             |
| <i>In re Google LLC</i> ,<br>No. 24-117, Dkt. 9 (Fed. Cir. Apr. 4, 2024) .....   | 14             |
| <i>Immersion Corp. v. Meta Platforms Inc.</i> ,<br>No. 6:22-cv-00541-ADA, Dkt. 84 (W.D. Tex., May 5, 2023) .....                   | <i>passim</i>  |
| <i>Jawbone Innovations, LLC v. Google LLC</i> ,<br>No. 6:21-cv-00985-ADA, Dkt. 88 (W.D. Tex. Oct. 14, 2022).....                   | 14             |
| <i>In re Planned Parenthood Fed'n of Am., Inc.</i> ,<br>52 F.4th 625 (5th Cir. 2022) .....   | 15             |
| <i>Rafqa Star LLC v. Google LLC</i> ,<br>No. 6:22-cv-01207-ADA, 2023 WL 6050593, at *2 (W.D. Tex. Sept. 15,<br>2023) .....         | 3, 4, 5, 14    |
| <i>In re Volkswagen AG</i> ,<br>371 F.3d 201 (5th Cir. 2004) .....   | 2              |

Defendant Meta Platforms, Inc.’s (Meta”) Motion should be denied. *Every* private interest factor weighs against transfer. Plaintiff Jawbone Innovations, LLC (“Jawbone”) identifies specific sources of proof in or closer to WDTX, whereas Meta fails to identify *any* specific sources of proof located in NDCA, instead relying on [REDACTED]. Jawbone identifies at least 21 witnesses subject to compulsory process in WDTX, whereas Meta identifies at most 3 such witnesses in NDCA. Jawbone identifies at least 25 willing witnesses in or closer to WDTX, whereas Meta identifies at most 16. This Court’s prior experience construing claims of three asserted patents further weighs against transfer. Public interest factors including at least court congestion further weigh against transfer, and none weigh in favor of transfer.

This Court has previously denied Meta’s similar motion concerning the same accused Quest headsets and overlapping witnesses in *Immersion Corp. v. Meta Platforms Inc.*, No. 6:22-cv-00541-ADA, Dkt. 84 (W.D. Tex., May 5, 2023) (hereinafter “*Immersion*” attached as “Ex. G”). Meta utterly ignores the *Immersion* witnesses in WDTX who this Court found relevant, stating in its brief that “Meta is unaware of any relevant witnesses located in WDTX, let alone witnesses who would likely testify.” Dkt. 28, “Mot.” at 1. The Court should accordingly deny Meta’s motion for at least the same reasons as in *Immersion*.

## I. BACKGROUND

Jawbone asserts infringement of U.S. Patent Nos. 10,779,080 (the “’080 Patent”); 11,122,357 (the “’357 Patent”); 8,503,691 (the “’691 Patent”); 8,321,213 (the “’213 Patent”); and 8,326,611 (the “’611 Patent”).<sup>1</sup> See Dkt. 1. The asserted patents claim novel acoustic noise suppression techniques with arrays of microphones, and the accused products include Meta’s

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<sup>1</sup> Jawbone’s complaint originally asserted infringement of three additional patents which it no longer asserts.

Quest, smart glasses, and Portal products. Jawbone acquired Aliphcom d/b/a Jawbone’s IP portfolio and continues Aliphcom’s work in developing and distributing the patented technology. Dr. Greg Burnett, Aliphcom’s former Chief Scientist—and named inventor on all the asserted patents—is continuing his work as Chief Scientist at Jawbone. Jawbone is the sole owner of the Patents-in-Suit. Ex. A, Setton Decl., ¶ 3. Jawbone is a Texas LLC, with a place of business at 2226 Washington Avenue, Suite Number 1, Waco, Texas 76701. Jawbone [REDACTED] [REDACTED] from that office. *Id.*, ¶¶ 9, 11.

Defendant Meta also has significant connections to WDTX. Meta maintains offices in WDTX. Dkt. 13, ¶ 2. As shown below, Meta’s Reality Labs division (abbreviated as “RL”) which works on the Accused Products has a significant presence in WDTX. [REDACTED]

## II. LEGAL STANDARDS

*In re Volkswagen AG*, 371 F.3d 201, 203 (5th Cir. 2004), sets forth the private and public interest factors concerning transfer. “When a defendant is haled into court, some inconvenience is expected and acceptable.” *Defense Distrib. v. Bruck*, 30 F.4th 414, 433 (5th Cir. 2022). A motion to transfer venue should be denied unless the movant “adduce[s] evidence and arguments that clearly establish good cause for transfer based on convenience and justice.” *Id.* The party seeking transfer must demonstrate good cause for the transfer, *i.e.*, that the transferee venue is clearly more convenient for both the parties and the witnesses. *Id.* Indeed, “the standard is not met by showing one forum is more likely than not to be more convenient.” *Id.* at 433. Rather, “[t]he burden that a

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