

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

JAWBONE INNOVATIONS, LLC,

Plaintiff,

v.

META PLATFORMS, INC.,

Defendant.

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

JURY TRIAL DEMANDED



**DEFENDANT'S REPLY BRIEF IN SUPPORT OF ITS
MOTION TO TRANSFER VENUE TO
THE NORTHERN DISTRICT OF CALIFORNIA**

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TABLE OF TRANSFER FACTORS

Factor	Meta	Jawbone
Relative ease of access to sources of proof	Strongly favors transfer	Against transfer
Availability of compulsory process to secure the attendance of witnesses	Strongly favors transfer	Against transfer
Cost of attendance for willing witnesses	Strongly favors transfer	Against transfer
All other practical problems that make trial of a case easy, expeditious and inexpensive	Favors transfer	Against transfer
Administrative difficulties flowing from court congestion	Slightly favors transfer	Against transfer / Neutral
Local interests in having this case decided at home	Strongly favors transfer	Does not favor transfer
Familiarity of the forum with the law that will govern the case	Favors transfer	Against Transfer / Neutral
Avoidance of unnecessary problems of conflict of laws or the application of foreign law	Neutral	Does not favor transfer

...

NDCA—not WDTX—is the clearly more convenient forum for this case. The key witnesses responsible for the Accused Features (noise suppression and voice activity detection) generally reside in NDCA and WA. Critically, not a single Meta employee residing in WDTX has worked on the Accused Features. To manipulate venue, Jawbone constructs a list of purported witnesses plainly based on the fact that they reside in or near WDTX. But Jawbone has no evidence to counter the record and sworn testimony that confirms these witnesses are not relevant.

I. ARGUMENT

A. Jawbone’s Purported Sources of Proof and Witnesses are Irrelevant

During venue discovery, Meta identified all teams and individuals responsible for the Accused Features, identified all its vendors related to the Accused Features, identified locations of all Meta data centers that could house documents related to the Accused Features, produced job descriptions of the key individuals responsible for the Accused Features, produced job descriptions of all individuals residing in Texas that are on teams responsible for the Accused Features, produced bills of materials confirming the third parties related to the Accused Features, produced source code for all Accused Products (including logs showing who edited the code), and much more. *See, e.g.*, Evans Decl. ¶¶ 8-23; Exs. A1-A12, B, C; Pltf. Exs. E, K, O (Dkts. 64-4, -10, -13). And after more than 16 weeks of venue discovery, seven depositions, and numerous interrogatories and requests for production, Jawbone merely confirmed the truth—no Meta employee residing in WDTX worked on the Accused Features.

Rather than address this detailed evidence, Jawbone ignores it and presents its own “evidence.” Specifically, Jawbone (i) supposes that *Immersion* witnesses relevant to haptics are somehow relevant to the audio capture technology here; (ii) imputes knowledge to Meta employees based on vague LinkedIn and Workplace profiles and a misunderstanding of Meta source code; and (iii) assumes that third parties based outside of Texas will only produce witnesses and sources

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