

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

SAMSUNG ELECTRONICS CO., LTD. and  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

Plaintiffs,

-vs.-

NVIDIA CORPORATION, VELOCITY  
MICRO, INC. D/B/A VELOCITY MICRO,  
AND VELOCITY HOLDINGS, LLC,

Defendants.

Civil Action No. 3:14-cv-757-REP

**FILED UNDER SEAL**

**MEMORANDUM IN SUPPORT OF DEFENDANTS'  
MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a),  
SEVER, AND STAY**

TABLE OF CONTENTS

INTRODUCTION .....1

FACTUAL BACKGROUND.....2

    A. Nature and Stage of the Proceeding.....2

    B. Parties.....3

ARGUMENT .....4

I. THE LAWSUIT AGAINST NVIDIA SHOULD BE TRANSFERRED TO CALIFORNIA .....4

    A. Legal Standard .....4

    B. This Action Against NVIDIA Could Have Been Brought In The Northern District Of California .....5

    C. The Convenience Factors And Interests Of Justice Overwhelmingly Favor Transfer To The Northern District Of California .....5

        1. Samsung’s Choice of Forum Is Not Entitled To Deference .....5

        2. It Would Be More Convenient For The Parties To Litigate In The Northern District of California.....8

        3. A Transfer Would Be Most Convenient For Witnesses, Including Third Party Witnesses.....11

        4. The Interests of Justice Weigh in Favor of A Transfer.....15

II. THE INFRINGEMENT CLAIMS ASSERTED AGAINST VELOCITY AND NVIDIA SHOULD BE SEVERED AND STAYED AS AGAINST VELOCITY.....17

    A. Legal Standard .....17

    B. Severing And Staying The Case Against Velocity Is Appropriate.....18

CONCLUSION.....21

## TABLE OF AUTHORITIES

## Cases

<i>Acterna, LLC v. Adtech, Inc.</i> , 129 F. Supp. 2d 936 (E.D. Va. 2001) .....	6
<i>Affinity Labs of Texas v. Samsung Elecs. Co.</i> , 968 F. Supp. 2d 852 (E.D. Tex. 2013) .....	10, 15
<i>Afro-Lecon, Inc. v. United States</i> , 820 F.2d 1198 (Fed. Cir. 1987).....	18
<i>Agilent Techs., Inc. v. Micromuse, Inc.</i> , 316 F. Supp. 2d 322 (E.D. Va. 2004) .....	7
<i>Augme Techs., Inc. v. Gannett Co.</i> , No. 3:11cv282, 2011 U.S. Dist. LEXIS 81605 (E.D. Va. July 26, 2011) .....	7
<i>Avalonbay Cmty.s., Inc. v. San Jose Water Conservation Corp.</i> , No. 1:07cv306, 2007 U.S. Dist. LEXIS 63773 (E.D. Va. Aug. 27, 2007).....	18
<i>Brown Mfg. Corp. v. Alpha Lawn &amp; Garden Equip., Inc.</i> , 219 F. Supp. 2d 705 (E.D. Va. 2002) .....	19, 20
<i>Cognitronics Imaging Sys., Inc. v. Recognition Research Inc.</i> , 83 F. Supp. 2d 689 (E.D. Va. 2000) .....	4, 17
<i>Corry v. CFM Majestic, Inc.</i> , 16 F. Supp. 2d 660 (E.D. Va. 1998) .....	17, 19, 20
<i>Gebr. Brasseler GmbH &amp; Co. KG v. Abrasive Tech., Inc.</i> , No. 1:08cv1246, 2009 U.S. Dist. LEXIS 25926 (E.D. Va. Mar. 27, 2009) .....	5
<i>Gemalto S.A. v. HTC Corp.</i> , No. 6:10cv561, 2011 U.S. Dist. LEXIS 133612 (E.D. Tex. Nov. 18, 2011) .....	10
<i>GTE Wireless, Inc. v. Qualcomm, Inc.</i> , 71 F. Supp. 2d 517 (E.D. Va. 1999) .....	6, 7, 17
<i>In re Genentech, Inc.</i> , 566 F.3d 1338 (Fed. Cir. 2009).....	8
<i>In re Phillips, Beckwith &amp; Hall</i> , 896 F. Supp. 553 (E.D. Va. 1995) .....	18
<i>Jaffé v. LSI Corp.</i> , 874 F. Supp. 2d 499 (E.D. Va. 2012) .....	4, 8

*Johnson v. DePuy Orthopaedics, Inc.*, No. 3:12cv2274,  
2012 U.S. Dist. LEXIS 141336 (D.S.C. 2012)..... 18

*Koh v. Microtek Int’l, Inc.*,  
250 F. Supp. 2d 627 (E.D. Va. 2003) ..... *passim*

*Landis v. N. Am. Co.*,  
299 U.S. 248 (1936)..... 2, 17

*LG Elecs. Inc. v. Advanced Creative Computer Corp.*,  
131 F. Supp. 2d 804 (E.D. Va. 2001) ..... 19

*Lugus IP v. Volvo Car Corp*, No. 3:11-cv-811-HEH,  
2012 WL 1715983 (E.D. Va. May 15, 2012) ..... 18

*Lycos, Inc. v. TiVo, Inc.*,  
499 F. Supp. 2d 685 (E.D. Va. 2007) ..... 5, 7, 8

*Mobil Oil Corp. v. W.R. Grace & Co.*,  
334 F.Supp. 117 (S.D. Tex. 1971) ..... 20

*NanoEnTek, Inc. v. Bio-Rad Labs., Inc.*, No. 2:11-cv-427,  
2011 U.S. Dist. LEXIS 138535 (E.D. Va. Dec. 2, 2011) ..... 5, 6, 7

*Neil Bros. Ltd. v. World Wide Lines, Inc.*,  
425 F. Supp. 2d 325 (E.D.N.Y. 2006) ..... 5, 6

*Rockstar Consortium US LP v. Samsung Elecs. Co.*, No. 2:13-CV-00894,  
2014 U.S. Dist. LEXIS 89552 (E.D. Tex. July 1, 2014)..... 10

*Samsung Elec. Co. v. Rambus, Inc.*,  
386 F. Supp. 2d 708 (E.D. Va. 2005) ..... 4, 5, 8

*Sehler v. Prospect Mortg., LLC*, No. 1:13cv473,  
2013 U.S. Dist. LEXIS 132123 (E.D. Va. Sept. 16, 2013)..... 18

*Shared Memory Graphics LLC v. Apple Inc.*, No. 5:09CV5128,  
2010 U.S. Dist. LEXIS 134909 (W.D. Ark. May 27, 2010) ..... 10

*Steel Erectors, Inc. v. J.A. Jones Constr. Co.*,  
865 F.2d 255, 1988 U.S. App. LEXIS 16385 (4th Cir. 1988) ..... 18

*Stewart Org., Inc. v. Ricoh Corp.*,  
487 U.S. 22 (1988)..... 4

*Summer Rain v. Donning Co. Publishers, Inc.*,  
964 F.2d 1455 (4th Cir. 1992) ..... 17

*Telepharmacy Solutions, Inc. v. Pickpoint Corp.*,  
238 F. Supp. 2d 741 (E.D. Va. 2003) ..... 5, 15, 16

*Van Dusen v. Barrack*,  
376 U.S. 612 (1964)..... 5

*Verosol B.V. v. Hunter Douglas, Inc.*,  
806 F. Supp. 582 (E.D. Va. 1992) ..... 6

*Williford v. Armstrong World Indus.*,  
715 F.2d 124 (4th Cir. 1983) ..... 18

Statutes

28 U.S.C. § 1391(b)(1) .....4

28 U.S.C. § 1404(a) .....1, 4

Virginia Code § 18.2-216 .....16

Virginia Code § 59.1-68.3 .....16

# 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.