

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

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

Plaintiffs,

-v.-

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

Defendants.

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

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

## TABLE OF CONTENTS

INTRODUCTION .....	1
ARGUMENT .....	3
I. DEFENDANTS HAVE DEMONSTRATED THAT A TRANSFER OF THE CASE AGAINST NVIDIA TO THE NORTHERN DISTRICT OF CALIFORNIA IS WARRANTED UNDER 28 U.S.C. § 1404(a) .....	3
A. The Lack Of Personal Jurisdiction Over Velocity In California Is Irrelevant Because Defendants Seek Only To Transfer The Case Against NVIDIA .....	3
B. The Convenience Factors and Interests of Justice Favor Transfer .....	4
1. Samsung’s Choice Of Forum Is Not Entitled To Deference .....	4
2. The Convenience Of Third-Party Witnesses Favors Transfer .....	5
3. Samsung Has Failed To Rebut NVIDIA’s Showing That A Transfer Would Be More Convenient For The Parties .....	6
4. The Interests Of Justice Weigh In Favor Of Transferring This Case To California .....	9
II. THE CLAIMS AGAINST VELOCITY ARE NOT CENTRAL TO THE CASE AND THUS THE CASE AGAINST VELOCITY SHOULD BE SEVERED AND STAYED .....	12
A. Samsung Concedes That The Claims Against Velocity For Five Of The Six Overlapping Patents At Issue Are Peripheral To And Will Be Resolved By The Claims Against NVIDIA .....	12
B. Samsung’s Allegations Of Infringement Of The ’724 Patent Against Velocity Are Peripheral To And Will Resolve Its Claims Against NVIDIA .....	13
C. Samsung’s Allegations Of Infringement Against Velocity Of The ’054 And The ’854 Patents Arise From Entirely Different Facts Than Any Other Claim And Do Not Prevent A Transfer Of The Case Against NVIDIA .....	14
CONCLUSION .....	16

**TABLE OF AUTHORITIES**

**Page(s)**

**CASES**

*Adiscov, LLC v. Autonomy Corp.*,  
 No. 2:11-cv-00201, 2011 U.S. Dist. LEXIS 157590 (E.D. Va. June 9, 2011).....6

*Affinity Labs v. Samsung Electronics Co.*,  
 968 F. Supp. 2d 852 (E.D. Tex. 2013).....8

*Bascom Research, LLC v. Facebook, Inc.*,  
 No. 1:12-cv-01111, 2012 U.S. Dist. LEXIS 186712 (E.D. Va. Dec. 11, 2012).....6

*Bluestone Innovations, LLC v. LG Electronics, Inc.*,  
 940 F. Supp. 2d 310 (E.D. Va. 2013) .....6

*Cognitronics Imaging Systems, Inc. v. Recognition Research Inc.*,  
 83 F. Supp. 2d 689 (E.D. Va. 2000) .....9, 11

*In re Genentech, Inc.*,  
 566 F.3d 1338 (Fed. Cir. 2009).....7

*General Foam Plastics Corp. v. Kraemer Export Corp.*,  
 806 F. Supp. 88 (E.D. Va. 1992) .....9

*GTE Wireless, Inc. v. Qualcomm, Inc.*,  
 71 F. Supp. 2d 517 (E.D. Va. 1999) .....4, 10

*Hilb Rogal & Hobbs Co. v. Rick Strategy Partners, Inc.*,  
 No. 3:05-cv-355, 2006 U.S. Dist. LEXIS 96056 (E.D. Va. Feb. 10, 2006)  
 (Payne, J.), *aff'd*, 230 F. App'x 328 (4th Cir. 2007).....9

*Intercarrier Communications, LLC v. Glympse, Inc.*,  
 No. 3:12-CV-767-JAG, 2013 WL 4083318 (E.D. Va. Aug. 12, 2013).....4, 5, 8

*Klaxon Co. v. Stentor Electric Manufacturing Co.*,  
 313 U.S. 487 (1941).....10

*Koh v. Microtek International, Inc.*,  
 250 F. Supp. 2d 627 (E.D. Va. 2003) .....5

*Lugus IP LLC v. Volvo Car Corp.*,  
 No. 3:11-cv-811-HEH, 2012 WL 1715983 (E.D. Va. May 15, 2012) .....3, 5, 14

*NanoEnTek, Inc. v. Bio-Rad Laboratories, Inc.*,  
 No. 2:11-cv-427, 2011 U.S. Dist. LEXIS 138535 (E.D. Va. Dec. 2, 2011).....8

*Synthon IP, Inc. v. Pfizer Inc.*,  
472 F. Supp. 2d 760 (E.D. Va. 2007) .....5

*Trustees of Columbia University v. Symantec Corp.*,  
No. 3:13-CV-808, 2014 WL 1329417 (E.D. Va. Apr. 2, 2014) .....4, 5, 9, 10

## INTRODUCTION

Samsung's opposition is notable for what it does not dispute. Samsung does not dispute that NVIDIA identified 16 witnesses (and two inventors of the asserted patents and nine inventors of relevant prior art) located in the Northern District of California; that all of NVIDIA's sources of proof are located in the Northern District of California; that NVIDIA's accused products are primarily designed, developed, and manufactured in the Northern District of California; or that NVIDIA will incur great expense for travel, meal, and lodging costs should the case against it remain in Virginia. Nor does Samsung dispute that Virginia is not its home forum or that it could have filed its case against NVIDIA in the Northern District of California. Samsung's opposition is also notable for its failure to identify a single one of its witnesses that resides in (or even near) Virginia or even allege that the Eastern District of Virginia is somehow more convenient than the Northern District of California. Because Samsung cannot demonstrate any fact that would make Virginia a more convenient forum than California for the case against NVIDIA, the six patents asserted against NVIDIA should be transferred to California.

The evidence that Samsung's opposition does marshal is legally irrelevant to NVIDIA'S transfer motion. Samsung points to the location of the prosecuting attorneys as reason to keep the case against NVIDIA in Virginia, but there are no claims that would require their testimony. NVIDIA has not asserted an inequitable conduct defense and Samsung has not asserted any claims that would require their testimony or identified a reason why it purportedly needs their testimony. The prosecuting attorneys are presently irrelevant to this case. Samsung also claims that its Virginia state law advertising claim should remain in Virginia, but the law is well-settled that state law claims cannot be the determinative factor in resolving transfer motions; federal courts, including those in California, are familiar with applying the laws of other states because of the choice of laws analysis in diversity cases.

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