



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NARISTE NETWORKS PTY. LTD.,

Plaintiff,

v.

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

Defendants.

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No. 2:23-cv-00031-JRG-RSP



JURY TRIAL DEMANDED

DEFENDANTS' MOTION TO TRANSFER VENUE
TO THE NORTHERN DISTRICT OF CALIFORNIA UNDER 28 U.S.C. § 1404(a)



TABLE OF CONTENTS

	Page
I. BACKGROUND.....	2
A. Nariste’s Complaint And Allegations Center On Google Functionality.....	2
B. Plaintiff Nariste Has No Ties To This District	3
C. Samsung Party Witnesses And Documents Relevant To The Accused Functionalities Are In Korea.....	4
D. Third-Party Google’s Witnesses And Documents Are Located In The NDCA.....	5
E. Other Relevant Third Parties Are In California.....	5
II. LEGAL STANDARDS	7
III. THE NDCA IS CLEARLY MORE CONVENIENT	8
A. This Case Could Have Been Brought In The NDCA.....	8
B. The Private Interest Factors Favor Transfer To The NDCA	8
1. Availability Of Compulsory Process Strongly Favors Transfer	8
2. Relative Ease Of Access To Sources Of Proof Favors Transfer.....	10
3. Cost Of Attendance For Willing Witnesses Favors Transfer.....	12
4. All Other Practical Problems Associated With Trial Are Neutral	14
C. The Public Interest Factors Favor Transfer To The NDCA.....	14
1. The NDCA’s Strong Local Interest Favors Transfer.....	14
2. The Remaining Three Public Interest Factors Are Neutral	15
IV. CONCLUSION	15

TABLE OF AUTHORITIES

	Page
<u>CASES</u>	
<i>Adaptix, Inc. v. HTC Corp.</i> , 937 F. Supp. 2d 867 (E.D. Tex. 2013).....	9
<i>AGIS Software Dev. LLC v. Samsung Elecs. Co.</i> , No. 2:19-cv-362-JRG (E.D. Tex.).....	10
<i>Auto. Body Parts Ass’n v. Ford Glob. Techs., LLC</i> , No. 4:13-CV-705, 2015 WL 123852 (E.D. Tex. Jan. 7, 2015).....	16
<i>Camatic Proprietary Ltd. v. Irwin Seating Co.</i> , No. 3:16-cv-0795-M, 2017 WL 2362029 (N.D. Tex. May 31, 2017).....	16
<i>Godo Kaisha IP Bridge I v. Xilinx, Inc.</i> , No. 2:17-cv-00100-JRG-RSP, 2017 WL 4076052 (E.D. Tex. Sept. 14, 2017).....	12
<i>In re Apple Inc.</i> , No. 2022-128, 2022 WL 1196768 (Fed. Cir. Apr. 22, 2022).....	14
<i>In re Apple, Inc.</i> , 581 F. App’x 886 (Fed. Cir. 2014).....	9
<i>In re DISH Network L.L.C.</i> , No. 2021-182, 2021 WL 4911981 (Fed. Cir. Oct. 21, 2021).....	9
<i>In re Genentech, Inc.</i> , 566 F.3d 1338 (Fed. Cir. 2009).....	12, 14, 17
<i>In re Google LLC</i> , 58 F.4th 1379 (Fed. Cir. 2023).....	12, 13, 17
<i>In re Google LLC</i> , No. 2021-171, 2021 WL 4592280 (Fed. Cir. Oct. 6, 2021).....	17
<i>In re Google LLC</i> , Nos. 2022-140, -141, -142, 2022 WL 1613192 (Fed. Cir. May 23, 2022).....	10, 13
<i>In re Hoffman-La Roche Inc.</i> , 587 F.3d 1333 (Fed. Cir. 2008).....	16
<i>In re Juniper Networks, Inc.</i> , 14 F.4th 1313 (Fed. Cir. 2021).....	12, 16, 17
<i>In re Netflix, Inc.</i> , No. 2022-110, 2022 WL 167470 (Fed. Cir. Jan. 19, 2022).....	9

TABLE OF AUTHORITIES
(continued)

	Page
<i>In re Samsung Elecs. Co.</i> , 2 F.4th 1371 (Fed. Cir. 2021)	11, 13, 17
<i>In re TS Tech USA Corp.</i> , 551 F.3d 1315 (Fed. Cir. 2009)	7
<i>In re Volkswagen AG</i> , 371 F.3d 201 (5th Cir. 2004)	7
<i>In re Volkswagen of Am., Inc.</i> , 545 F.3d 304 (5th Cir. 2008)	7, 14
<i>Jawbone Innovations, LLC v. Amazon.com, Inc.</i> , 2:21-cv-435-JRG (E.D. Tex. 2022)	11
<i>Parus Holdings Inc. v. LG Elecs. Inc.</i> , Nos. 6:19-CV-00432-ADA, 6:19-CV-00437-ADA, 2020 WL 4905809 (W.D. Tex. Aug. 20, 2020)	16
<i>Porto Tech. Co. v. Samsung Elecs. Am., Inc.</i> , No. 2:15-cv-458-FRG-RSP (E.D. Tex. 2016)	11
<i>Realtime Data LLC v. Teradata Operations, Inc.</i> , Nos. 6:15-CV-463, 6:15-CV-470-RWS-JDL, 2016 WL 235183 (E.D. Tex. Jan. 20, 2016)	14
<i>TC Heartland LLC v. Kraft Foods Grp. Brands LLC</i> , 581 U.S. 258, 265 (2017)	8

STATUTES

28 U.S.C. § 1391(c)(3)	8
28 U.S.C. § 1400(b)	8
28 U.S.C. § 1404(a)	1, 7

RULES

Fed. R. Civ. P. 45(c)(1)	8
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[REDACTED]

Defendants Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (collectively, “Samsung”) respectfully move to transfer this action filed by Nariste Networks Pty. Ltd. (“Nariste”) to the Northern District of California (“NDCA”) pursuant to 28 U.S.C. § 1404(a). This case should be transferred to the NDCA because the central issues of alleged infringement and invalidity depend on evidence and testimony from several categories of third parties, nearly all of whom are located in California.

First, although Nariste accuses dozens of different Samsung devices of infringement, its infringement theories for all but one are premised on those devices running software developed by third-party Google in the NDCA, specifically Android Location Services APIs, Fused Location Provider APIs, and Awareness API (collectively, “Accused Google APIs”). [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Second, Nariste accuses various third-party software applications that run on Samsung mobile devices and allegedly use the Accused Google APIs. Those accused third-party applications—Google Maps, Google Chrome, Instagram, Facebook, Life360, Snapchat, PokemonGo, and Foursquare—are developed by third-party companies and their employees located in California, mostly in the NDCA.

Third, there are additional, relevant third parties located in California, including companies that supply Samsung with GPS receivers that are implicated by Nariste’s allegations and at least thirteen prior-art authors. Specifically, Qualcomm and Broadcom are GPS suppliers based in San Diego, California and San Jose, California (in the NDCA), respectively. Qualcomm is also the source of relevant prior art, including the gpsOne system that Qualcomm developed by the early

2000s; indeed, at least six individuals who authored publications and patents relating to gpsOne are still located in California today. Additionally, Samsung has identified at least seven inventors of relevant prior-art patents, all of whom are located in the NDCA.

Conversely, no convenience factor favors retaining this litigation in this District. Plaintiff Nariste has no ties to Texas, as the company and its inventor-director are both based in Australia. In fact, Nariste actually has ties to California—a current Nariste shareholder is located in California, and its only known U.S. entity, Nariste Networks USA, is or was based in California. The location of Samsung’s witnesses further favors transfer: for the accused Samsung applications and Samsung’s Tizen operating system (“Tizen OS”) for one smartwatch device model that Nariste also accuses, relevant engineers are in Korea, which is closer to the NDCA than to Marshall, Texas, as measured by both distance and travel time.

Comparing the many strong connections between this case and California—Google, [REDACTED] third-party application developers, Qualcomm, Broadcom, and at least thirteen prior artists—to the limited connection to this District, this case should be transferred to the NDCA.

I. BACKGROUND

A. Nariste’s Complaint And Allegations Center On Google Functionality

On January 27, 2023, Nariste filed its Complaint against Samsung alleging infringement of U.S. Patent No. RE 48,206 (“the ’206 Patent” or “Asserted Patent”). D.I. 1. The ’206 Patent relates to using wireless sources like cellular or Wi-Fi to determine when a mobile device’s GPS module should be turned on based on “at least one of a current radio position and a position error” of the device as determined by those wireless sources. *E.g.*, ’206 Patent, cl. 37.

Nariste alleges that various Samsung phones, tablets, and watches directly infringe the Asserted Patent because they can run software applications that allegedly use the Accused Google APIs. D.I. 1 ¶¶ 45, 49, 59, 103. Nariste’s infringement theories against the accused phones and

[REDACTED]

tablets are largely premised on the Accused Google APIs. Indeed, the bulk of the allegations in its infringement contentions cite to third-party Google documentation about its location services and functions, including `setPriority()`, `getLocation()`, `getAccuracy()`, `setAccuracy()`, and `setInterval()`, which are all part of the Accused Google APIs. Ex. 1 at 5-12; Google Decl. ¶¶ 2, 3.a-b. The infringement allegations of Nariste’s Complaint similarly rely on those same Google sources. D.I. 1 ¶¶ 34-40, 46-48, 51, 76-79, 86, 88-91.

The accused software applications that allegedly use the Accused Google APIs are developed by Samsung and third parties. For Samsung, Nariste specifically accuses Samsung applications Bixby, Internet, Health, Find My Mobile, Emergency Mode Features, Send SOS Messages, Places, and a feature for attaching a GPS location tag to pictures. D.I. 1 ¶¶ 50-58. [REDACTED]

[REDACTED]

[REDACTED] Nariste also accuses third-party applications, including Google Maps, Google Chrome, Instagram, Facebook, Life360, Snapchat, PokemonGo, and Foursquare. D.I. 1 ¶¶ 35-40, 60-75, 76-79, 103.

For only one Samsung device, the Galaxy Watch 3, Nariste accuses Samsung’s Tizen OS, asserting without support that Tizen OS provided “similar GPS and location functionality” to the Accused Google APIs that Nariste accuses for every other Samsung device. Ex. 1 at 8, 13. [REDACTED]

B. Plaintiff Nariste Has No Ties To This District

Nariste is an Australian company with a principal place of business in Australia. D.I. 1 ¶ 2. Its director and majority shareholder, Dr. Robert Malaney, is also located in Australia, and he is the sole inventor of the Asserted Patent. Ex. 2 at 3; D.I. 32-7 ¶¶ 2, 3; ’206 Patent at cover. Nariste has not alleged any ties to Texas. *See* D.I. 1.

Nariste does, however, have several ties to California. Nariste’s current shareholding

[REDACTED]

member Ziad Abughazaleh is located in Altadena, California. Ex. 2 at 3. And previous shareholding member, the Estate of Thomas Hilton Armor, is administered by Richard Ashworth, who is located in Dana Point, California. *Id.* Nariste has also produced documents in this case showing that Nariste had a U.S.-based entity named Nariste Networks USA, located in Altadena, California. Ex. 3 at 6; Ex. 4. From that Altadena office, Nariste ran its U.S. marketing and business development operations. Ex. 5. In 2007, Nariste valued Nariste Networks USA at \$1,000,000, demonstrating the substantial presence and operations of Nariste's U.S. entity in California. Ex. 6 at 2. And Dr. Malaney previously held positions at the California Institute of Technology and University of California. D.I. 32-7 ¶ 3.

C. Samsung Party Witnesses And Documents Relevant To The Accused Functionalities Are In Korea

SEC is a Korean corporation with its principal place of business in Suwon, Korea. SEC Decl. ¶ 9. SEA is a subsidiary of SEC and is a New York corporation with its principal place of business in Ridgefield Park, New Jersey. SEA Decl. ¶¶ 7-8. SEA maintains corporate offices in numerous locations in the United States, including in Mountain View, California (in the NDCA),

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

D. Third-Party Google's Witnesses And Documents Are Located In The NDCA

The Google employees with relevant technical knowledge about the Accused Google APIs are in California. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Documents regarding the design, development, implementation, and testing of Accused Google APIs and the accused location-related features of Google Maps and Chrome applications would be primarily created and maintained in the San Francisco Bay Area and Australia. *Id.* ¶ 5. No Google employees in Texas have been identified as having worked on the design, development, implementation, and testing for (i) the use of GPS in the Accused Google APIs to determine location in Android mobile phones and (ii) the use of location data in Google Chrome and Google Maps. *Id.* ¶ 4.

E. Other Relevant Third Parties Are In California

Other relevant third parties are located in California, including: developers of accused applications that run on the accused Samsung devices; [REDACTED] suppliers of GPS receivers used in

[REDACTED]

the accused Samsung devices; and at least thirteen authors or inventors of prior art.

Beyond Google, Nariste accuses other applications from other third parties of infringing based on their alleged use of the Accused Google APIs, summarized below (D.I. 1 ¶¶ 68-75, 103):

Accused Application	Developer	Headquarters
Instagram	Meta Platforms, Inc.	Menlo Park, CA
Facebook		
Life360	Life360, Inc.	San Mateo, CA
Snapchat	Snap Inc.	Santa Monica, CA
PokemonGo	Niantic, Inc.	San Francisco, CA
Foursquare	Foursquare Labs, Inc.	New York, NY

All of these third parties (except for Foursquare) are headquartered in California, and all have previously submitted declarations stating that their employees who work on the accused applications are in California. Exs. 7-11. While Foursquare is headquartered in New York, in a prior declaration, Foursquare identified two employees at its San Francisco office who work on its application. Ex. 11.

[REDACTED]

[REDACTED]

[REDACTED]

Suppliers of GPS receivers used in the accused Samsung devices also are in California. For example, the Galaxy S20 phone that Nariste specifically accuses as a representative product in its Complaint and Infringement Contentions uses a GPS receiver from Qualcomm, based in San Diego, California. Ex. 12 ¶ 3. In past litigations involving production of Qualcomm's source code, Qualcomm's standard practice has been to make its source code available for inspection in Los Angeles, California. *Id.* ¶ 7. Broadcom, another supplier of GPS receivers for the accused Samsung devices, is based in San Jose, California, in the NDCA. Ex. 13 ¶ 2.

With respect to authors and inventors of prior art, Samsung has identified at least thirteen

prior-art witnesses located in California, summarized below (Exs. 14-26):

Prior Art	Inventor	Location
gpsOne (prior-art product)	Samir Soliman	Poway, CA
	Parag Agashe	San Diego, CA
	Peter Gaal	San Diego, CA
	Milan Oljaca	San Diego County, CA
	King-Chung Lai	San Diego, CA
	Keith Saints	San Diego, CA
U.S. Pub. No. 2005/0083230 ("Harvey")	Gengsheng Zhang	Cupertino, CA
	Robert S. Harvey	San Francisco, CA
	Wendell E. Innis	Ben Lomond, CA
	Lionel J. Garin	Palo Alto, CA
	Stefan Witanis	San Jose, CA
U.S. Pat. No. 6,975,941 ("Lau")	Chung Lau	Sunnyvale, CA
	C. Douglass Thomas	San Jose, CA

II. LEGAL STANDARDS

Under 28 U.S.C. § 1404(a), the moving party must first show that the claims “might have been brought” in the proposed transferee district. *In re Volkswagen of Am., Inc.*, 545 F.3d 304, 312-13 (5th Cir. 2008) (“*Volkswagen II*”). Second, the movant must demonstrate that the “transferee venue is clearly more convenient” under private and public factors relating to the convenience of parties and witnesses and the interests of particular venues in hearing the case. *In re TS Tech USA Corp.*, 551 F.3d 1315, 1319 (Fed. Cir. 2009). The private factors are: 1) the relative ease of access to sources of proof; 2) the availability of compulsory process to secure the attendance of witnesses; 3) the cost of attendance for willing witnesses; and 4) all other practical problems that make trial of a case easy, expeditious, and inexpensive. *In re Volkswagen AG*, 371 F.3d 201, 203 (5th Cir. 2004) (“*Volkswagen I*”). The public factors are: 1) the administrative difficulties flowing from court congestion; 2) the local interest in having localized interests decided at home; 3) the familiarity of the forum with the law that will govern the case; and 4) the avoidance of unnecessary problems of conflict of laws or in the application of foreign law. *Id.*

III. THE NDCA IS CLEARLY MORE CONVENIENT

A. This Case Could Have Been Brought In The NDCA

A patent infringement case may be brought in “the judicial district where the defendant resides, or where the defendant has committed acts of infringement and has a regular and established place of business.” 28 U.S.C. § 1400(b); *TC Heartland LLC v. Kraft Foods Grp. Brands LLC*, 581 U.S. 258, 265 (2017). SEA has offices in the NDCA with over 230 employees. SEA Decl. ¶¶ 8, 9, 13. SEC is a foreign corporation, so venue is proper in any district. *See* 28 U.S.C. § 1391(c)(3). Thus, this case could have been brought in the NDCA.

B. The Private Interest Factors Favor Transfer To The NDCA

1. Availability Of Compulsory Process Strongly Favors Transfer

In this case, the second factor—the availability of compulsory process—is paramount because the vast majority of fact witnesses relevant to the central issues of infringement and invalidity are third parties, including Google, [REDACTED] Qualcomm, Broadcom, and prior-art authors. Those third parties weigh strongly in favor of transfer because they or their employee-witnesses are predominantly in the NDCA. Specifically, at least *eighteen* third-party witnesses are located in California, mostly in the NDCA, while *zero* are located in Texas.

The subpoena power of a federal court extends to 100 miles from the court and to the state in which the court resides. Fed. R. Civ. P. 45(c)(1). “Transfer is favored when a transferee district has absolute subpoena power over a greater number of non-party witnesses.” *Adaptix, Inc. v. HTC Corp.*, 937 F. Supp. 2d 867, 874 (E.D. Tex. 2013). Thus, “[t]his factor will weigh heavily in favor of transfer when more third-party witnesses reside within the transferee venue than reside in the transferor venue.” *In re Netflix, Inc.*, No. 2022-110, 2022 WL 167470, at *4 (Fed. Cir. Jan. 19, 2022) (quoting *In re Apple, Inc.*, 581 F. App’x 886, 889 (Fed. Cir. 2014)). Under Federal Circuit case law, third-party witnesses are presumed to be unwilling. *In re DISH Network L.L.C.*, No.

[REDACTED]

2021-182, 2021 WL 4911981, at *3 (Fed. Cir. Oct. 21, 2021).

Here, for every accused Samsung device except one (the Galaxy Watch 3), Nariste's infringement theories are premised on the operation of the Accused Google APIs and their alleged use by software applications running on Samsung devices. The Accused Google APIs are developed by third-party Google. *Supra* §§ I.A, I.D; Google Decl. ¶¶ 2-3. [REDACTED]

[REDACTED]

[REDACTED]

The third-party software applications that allegedly use the Accused Google APIs are developed by third-party companies—Google, Meta, Life360, Snap, Niantic, and Foursquare—that are likewise based in or have major offices in California. *Supra* §§ I.D-E. Even Nariste agrees in its Initial Disclosures that such third parties are relevant. Ex. 27 at 5. And all of those companies have previously filed declarations identifying employees in California as knowledgeable witnesses concerning the accused applications. Exs. 7-11.

For Nariste's allegations about Samsung devices' use of GPS receivers, third-party suppliers of those GPS receivers include Qualcomm and Broadcom, both headquartered in California, with Broadcom's San Jose headquarters in the NDCA. *Supra* § I.E.

As to invalidity, Samsung has identified at least thirteen prior-art witnesses who are located in California and are, therefore, subject to the subpoena power of the NDCA but not that of this District. *See supra* § I.E. Among them are six current or former Qualcomm employees who worked on gpsOne, a prior-art system developed by Qualcomm by the early 2000s, from whom Samsung will need to obtain testimony about gpsOne to support its invalidity case.

By contrast, Nariste's allegations in its Complaint do not appear to implicate any third parties located in Texas. *Supra* § I.B. Further, in its Initial Disclosures, Nariste does not identify

[REDACTED]

any persons having relevant knowledge in Texas, while confirming that Google is a relevant “[t]hird-party supplier of Android software.” Ex. 27 at 4-6.

Thus, deciding the merits of non-infringement and invalidity will turn on testimony and information that only these third-party witnesses in California can provide. This case is therefore analogous to *AGIS Software Development LLC v. Samsung Electronics Co.*, No. 2:19-cv-362-JRG (E.D. Tex.), where the case was transferred to the NDCA because that is where third-party Google engineers for the accused software applications (including Google Maps) running on Samsung devices were located. *In re Google LLC*, Nos. 2022-140, -141, -142, 2022 WL 1613192, at *1 (Fed. Cir. May 23, 2022). Similarly, in *In re Samsung Electronics Co.*, the case was transferred to the NDCA because—like here—the accused functionalities were directed to Google third-party applications, and the NDCA was where “over a dozen third-party individuals” reside, while “not a single witness[, including third parties,] has been identified as residing in or near the [transferor forum].” 2 F.4th 1371, 1379 (Fed. Cir. 2021). Likewise, this Court has also transferred a case against Samsung to the NDCA when the infringement allegations were premised on Google Maps, just as in this case. *See Porto Tech. Co. v. Samsung Elecs. Am., Inc.*, No. 2:15-cv-458-FRG-RSP, D.Is. 23, 26 (E.D. Tex. Mar. 11, 2016). And recently, in *Jawbone Innovations, LLC v. Amazon.com, Inc.*, this Court determined that this factor weighed in favor of transfer because fourteen third-party witnesses were in the NDCA, while only one was in Texas. 2:21-cv-435-JRG, at *11-12 (E.D. Tex. Sept. 21, 2022) (granting transfer to NDCA). In this case, the number of potentially relevant third-party witnesses in California (eighteen) compared to those in the EDTX (zero) is even more lopsided in favor of the NDCA. This factor weighs heavily in favor of transfer.

2. Relative Ease Of Access To Sources Of Proof Favors Transfer

This factor also strongly favors transfer because the vast majority of relevant documentary evidence relating to the core issues of infringement and invalidity in this case is with the third

[REDACTED]

parties located in California, mostly in the NDCA, as discussed for the prior factor. Ordinarily, “[i]n patent infringement cases, the bulk of the relevant evidence usually comes from the accused infringer,” so “the place where the defendant’s documents are kept weighs in favor of transfer to that location.” *In re Genentech, Inc.*, 566 F.3d 1338, 1345 (Fed. Cir. 2009). Where, as here, “third-party companies [] provide certain accused functionality for the accused products,” then sources of proof from those third parties also matter to this factor. *In re Google LLC*, 58 F.4th 1379, 1385 (Fed. Cir. 2023); *see also Godo Kaisha IP Bridge I v. Xilinx, Inc.*, 2017 WL 4076052, at *3 (E.D. Tex. Sept. 14, 2017). The electronic nature of documents does not render this factor irrelevant. *In re Juniper Networks, Inc.*, 14 F.4th 1313, 1321 (Fed. Cir. 2021).

In this case, the bulk of relevant evidence for deciding infringement will come from third-party Google, who developed the Accused Google APIs as well as two of the applications that Nariste accuses (Google Maps and Chrome). Technical documents and source code relating to those products are in Google’s possession and would be created and maintained by the Google employees responsible for working on them, most of whom are in the NDCA. *See supra* § I.D.

[REDACTED]

[REDACTED] Although named-defendant SEA has offices in Texas, that same fact has not prevented transfer in past cases filed against SEA where the vast majority of technical evidence is from Google and its employees in the NDCA. *See, e.g., Google*, 2022 WL 1613192, at *1; *Samsung*, 2 F.4th at 1379.

Documentary evidence from the other third-party developers (Meta, Life360, Snapchat, Niantic, and Foursquare) about their accused third-party applications that allegedly use the Accused Google APIs is also likely in the NDCA. All but Foursquare are headquartered in the NDCA, and Foursquare previously submitted a declaration stating that documentary evidence

[REDACTED]

about its accused application is located in its San Francisco office. *See supra* § I.E.

The same is true for GPS receiver supplier Broadcom—its documentary evidence and physical samples of GPS receivers are likely to be in the NDCA, where Broadcom’s San Jose headquarters is located. *Id.* Similarly, for Qualcomm, its documentary evidence and physical samples of GPS receivers are likely to be in California, where Qualcomm is based. *Id.* If Qualcomm produces source code relating to its GPS components in this case, that code will likely be made available for inspection in Los Angeles, California, where Qualcomm has historically produced source code for litigations as a matter of standard practice. *Id.*

The thirteen prior-art authors discussed in Section III.B.1 above are likely also to have documentary evidence, source code, and prototypes relating to their prior-art references in California. In particular, Qualcomm and its current and former employees who worked on the gpsOne prior-art product are likely to have documents, source code, prototypes, or samples in California, where they all are located. *Google*, 58 F.4th at 1385 (determining this factor favors the NDCA when physical prototypes are located only there).

By contrast, Nariste’s allegations and initial disclosures do not suggest that it has any relevant documents located in this District. Dkt. 1; Ex. 27. To the contrary, Nariste may have relevant documents in California. While Nariste is based in Australia, its documents show a U.S.-based affiliate called Nariste Networks USA located in Altadena, California, where its shareholding member Ziad Abughazaleh is still located. *Supra* § I.B.

Because the bulk of the evidence for the core issues of infringement and invalidity is located in the NDCA “with nothing on the other side of the ledger” in the EDTX, this factor favors transfer to the NDCA. *In re Apple Inc.*, 2022 WL 1196768, at *4 (Fed. Cir. Apr. 22, 2022).

3. Cost Of Attendance For Willing Witnesses Favors Transfer

The third factor addresses the convenience of the witnesses to travel and attend trial.

[REDACTED]

Genentech, 566 F.3d at 1343. In this Circuit, transfer is favored if the transferee venue is a shorter distance from witnesses than the transferor venue. *Volkswagen II*, 545 F.3d at 317. Allowing witnesses to “remain in their home state . . . significantly minimize[s] the cost, time, and expense of travel to attend trial, which is the very purpose of § 1404(a).” *Realtime Data LLC v. Teradata Operations, Inc.*, 2016 WL 235183, at *5 (E.D. Tex. Jan. 20, 2016) (quotation marks omitted).

Here, relevant party witnesses for Samsung relating to the core issue of alleged infringement are located in Korea [REDACTED]

[REDACTED] For the SEC employees located in Korea, the EDTX is significantly farther away than the NDCA, by about 1,300 miles. Exs. 37-38. The travel time from Korea to the NDCA, as compared to the EDTX, is correspondingly shorter, by about 4 hours. Exs. 30, 39-40. [REDACTED]

[REDACTED]

For Nariste, transfer to the NDCA will either be more convenient or cause no additional hardship. Its likely main witness and the sole inventor of the Asserted Patent, Dr. Malaney, is in Australia. *Supra* § I.B. For Dr. Malaney, he will need to travel a long distance from Australia to reach either district, but distance and travel time to the NDCA are shorter than that to the EDTX, by about 1,200 miles and 4.5 hours. Exs. 30, 33-36. Nariste’s other shareholder and potential witness, Ziad Abughazaleh, is located in Altadena, California, and may have testimony relevant to Nariste’s business, history, finances, licensing efforts, agreements, and valuations relating to the Asserted Patent or related patents, which is relevant to damages.¹ *Supra* § I.B. For Mr.

¹ To the extent Mr. Abughazaleh is an unwilling witness, he is still relevant and counted under the compulsory-process factor as another third party under the NDCA court’s subpoena power.

[REDACTED]

Abughazaleh, travel from Altadena to the NDCA is much closer and more convenient than to the EDTX, by about 1,000 miles and 4 hours of travel time. Exs. 28-32.

Because the EDTX is less convenient than the NDCA for the majority of willing witnesses from Samsung in Korea and from Nariste in California and Australia, this factor favors transfer.

4. All Other Practical Problems Associated With Trial Are Neutral

This case is in its early stages. The case management conference occurred just weeks ago on May 30, 2023, and this case is in its initial stages of discovery. The *Markman* hearing is still ten months away, and fact discovery closes a month after that. Trial is scheduled for November 2024, sixteen months from now. This District has granted transfer under similar facts where, even though discovery had commenced, the case remained “in its early stages” and there was “no improper delay” by either party. *See, e.g., Auto. Body Parts Ass’n v. Ford Glob. Techs., LLC*, 2015 WL 123852, at *6 (E.D. Tex. Jan. 7, 2015). Other Texas district courts similarly have granted transfer when the case is in its early stages. *See, e.g., Parus Holdings Inc. v. LG Elecs. Inc.*, 2020 WL 4905809, at *7 (W.D. Tex. Aug. 20, 2020); *Camatic Proprietary Ltd. v. Irwin Seating Co.*, 2017 WL 2362029, at *6 (N.D. Tex. May 31, 2017).

C. The Public Interest Factors Favor Transfer To The NDCA

1. The NDCA’s Strong Local Interest Favors Transfer

The NDCA has a strong local interest in this case “because the cause of action calls into question the work and reputation of several individuals residing in or near that district.” *In re Hoffman-La Roche Inc.*, 587 F.3d 1333, 1336 (Fed. Cir. 2008). For this factor, courts focus on where the accused functionality is “researched, designed, and developed,” *Juniper*, 14 F.4th at 1320, which here is predominantly in the NDCA. Specifically, Nariste’s infringement allegations are almost entirely premised on Accused Google APIs developed by Google engineers, as well as applications and GPS components developed by third-parties (Google, Meta, Life360, Snapchat,

[REDACTED]

Niantic, Foursquare, Qualcomm, Broadcom), most of whom are located in the NDCA, with others located elsewhere in California. *See supra* § I.D.

Conversely, this District has no local interest in this case. Nariste is an Australian company without ties to Texas. *See supra* § I.B. Although SEA has offices in the EDTX, SEA’s “general presence in a particular district does not give that district a special interest in the case.” *In re Google LLC*, No. 2021-171, 2021 WL 4592280, at *5 (Fed. Cir. Oct. 6, 2021). Rather, “what is required is that there be significant connections between a particular venue and *the events that gave rise to a suit*,” *id.*, which here are absent from the EDTX. And Nariste’s allegations of infringement in the EDTX are insufficient to create a localized interest. *Samsung*, 2 F.4th at 1380.

2. The Remaining Three Public Interest Factors Are Neutral

The court congestion factor is entitled to little weight here as there is no need for timely disposition of this matter because Nariste does not allege that it currently manufactures or sells products that practice the Asserted Patent. *See* D.I. 1; *Google*, 58 F.4th at 1383. And Nariste has not “suggest[ed] it is in need of a quick resolution because its position in the market is being threatened.” *Juniper*, 14 F.4th at 1322. Further, the Federal Circuit has long regarded the court congestion factor as “the most speculative.” *Genentech*, 566 F.3d at 1347. This factor is entitled to little weight here and is neutral.

The last two factors also are neutral. Familiarity with the governing law is neutral, as both the NDCA and this District are well versed in patent law. And because there is no prospect for conflict of laws, the last public interest factor also is neutral.

IV. CONCLUSION

Because four factors favor transfer, with two factors strongly favoring it, while the remaining factors are neutral, this case should be transferred to the NDCA.

Dated: July 14, 2023

By: /s/ Shaun W. Hassett

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via electronic mail.

/s/ Shaun W. Hassett

CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL

The undersigned certifies that the foregoing document and all supporting declarations and exhibits thereto are being filed under seal pursuant to the Protective Order.

/s/ Shaun W. Hassett

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on July 7, 2023, pursuant to Local Rule CV-7(h), counsel Mark Liang for Defendants met and conferred with counsel for Plaintiffs, and counsel for Plaintiff indicated on July 7, 2023, that Plaintiff is opposed to the relief sought by this Motion.

/s/ Shaun W. Hassett