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

SINOTECHNIX LLC, *Plaintiff*, v. SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC., AND SAMSUNG DISPLAY CO., LTD. *Defendants*.	Civil Action No. 2:24-cv-544-JRG-RSP **JURY TRIAL DEMANDED**

REPLY IN SUPPORT OF DEFENDANTS' MOTION TO TRANSFER VENUE TO THE DISTRICT OF NEW JERSEY

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Defendants rely on certain documents, declarations, and exhibits cited according to the following abbreviations:

Abbr.	Citations
D.I. #	Citation to the case docket (2:24-cv-544) by Docket Index number
Zaidi ¶ #	Declaration of Asim Zaidi (counsel of record) attaching Exhibits 43-57
Ex. #	**Exhibits 43-57** attached to and described in the Zaidi Declaration

*** * * All emphasis is added unless otherwise indicated * * ***

*** * * All internal quotations and citations omitted unless otherwise indicated * * ***

Samsung's relevant domestic trial witnesses and evidence concerning [redacted]—are located at SEA's headquarters in Ridgefield Park, NJ. Mot. 2-3. Although SEA has employees in Plano, TX, those employees [redacted]—none of which are part of this case.[1] Schinasi Decl. ¶ 7. Even Plaintiff, a Delaware patent holding company whose sole member lives in Dallas (in NDTX), has ***no*** connection to EDTX. Ex. 43 [Katz] at 10:22-11:1; D.I. 41 [FAC] ¶ 1. Accordingly, the District of New Jersey ("DNJ") is clearly the more convenient forum.

I. THE PRIVATE-INTEREST FACTORS STRONGLY FAVOR TRANSFER

The **witness-convenience factor** strongly favors transfer because DNJ is significantly more convenient for the greater number of likely trial witnesses. Samsung's trial witnesses will include [redacted] And [redacted]—are also based in NJ. *See* Ex. 44 at 17-23. Those witnesses would indisputably experience significantly less work disruption if trial is held near their homes and offices in NJ.[2] DNJ is also more convenient for Samsung's Korean witnesses, [redacted]

[1] SEA's business is [redacted] On April 15, 2025, the Court struck certain accused products—including all laptops—from discovery and Plaintiff's infringement contentions, leaving only TVs and monitors. D.I. 118 at 40:16-43:19.

[2] Plaintiff's argument focuses on minor differences in the costs of meals and lodging. Opp. 13. Samsung submits that the more pertinent costs to consider are those "associated with being away from work, family, and community." *See In re TikTok, Inc.*, 85 F.4th 352, 361 (5th Cir. 2023).

Plaintiff's sole witness, Mr. Katz, would experience only minor additional inconvenience if trial is held in DNJ rather than EDTX. Mr. Katz lives and works in Dallas—outside EDTX—and would either have to: drive 2.5 hours and stay in a hotel if trial is held in Marshall, TX; or fly 3.5 hours, drive an additional 10 minutes, and stay in a hotel if trial is held in Newark, NJ. Ex. 43 [Katz] at 10:22-11:1, 46:18-47:6, 66:10-11; Ex. 47 [Flight and drive time data].

Plaintiff attempts to sidestep these considerations by speculating that none of Samsung's NJ-based witnesses will attend trial. Opp. 13-14. That is plainly false. Samsung [redacted] brings U.S. marketing witnesses to trial to testify about Samsung's business and its efforts to promote the accused products to consumers in the United States. *See, e.g.*, Ex. 48 [Examples of U.S. marketing witness trial testimony].[3]

The **sources-of-proof factor** strongly favors transfer because nearly all relevant evidence will come from NJ or Asia. *See In re Genentech, Inc.*, 566 F.3d 1338, 1345 (Fed. Cir. 2009) ("[T]he bulk of the relevant evidence usually comes from the accused infringer."). Critically, Plaintiff failed to identify ***any*** material sources of proof in EDTX. ***First***, [redacted]. *See* Mot. 2-3. Plaintiff attempts to diminish that fact by arguing that those documents are electronically accessible. Opp. 8-9. But this factor focuses on the "location of document custodians and location where documents are created and maintained,"—*i.e.*, the location of witnesses who can knowledgeably testify about those documents—not simply where electronic documents may hypothetically be accessed. *In re Google LLC*, 2021 WL 5292267, at *2 (Fed. Cir. Nov. 15, 2021).

[redacted]

[3] Unlike in *Adaptive Spectrum*, No. 2:24-cv-124-JRG-RSP (cited at Opp. 14), where the parties identified dozens of potential witnesses in each venue (*id.* at 13-14), [redacted] Plaintiff identified only one trial witness outside both districts.

[redacted]

Second, Plaintiff's documents are irrelevant under this factor because they are located in Dallas—outside of both EDTX and DNJ. *See In re Juniper*, 14 F.4th at 1321 ("[T]he fact that some evidence is stored in places other than either the transferor or the transferee forum does not weigh against transfer."). But even if the Court considers Plaintiff's documents, they should be given little weight because [redacted] Ex. 43 at 19:16-20:9, 111:15-18. Indeed, Mr. Katz—Plaintiff's sole witness—[redacted]

Third, [redacted]. Ex. 49 [Delserro] at 22:8-12; 33:14-20. Plaintiff misrepresents *Maxell* to argue that the presence of many technical documents in Asia disfavors transfer. Opp. 10-11 (citing *Maxell* (Ex. V), No. 5:24-cv-88-RWS-JBB, at *10). Rather, the *Maxell* court credited the plaintiff's identification of specific party and non-party evidence in the transferor venue. *Maxell* (Ex. V), No. 5:24-cv-88-RWS-JBB, at *9-*10.

Finally, third-party evidence is located in NJ or outside either forum. Defendants identified eleven NJ-based prior art inventors and subpoenaed two NJ-based companies who are likely to have evidence concerning invalidity. Mot. 5-6, 11-12; Ex. 50; Ex. 51. The only third-party sources of proof Plaintiff identified—[redacted]—are located outside of both forums.

The **compulsory-process factor** favors transfer because Samsung identified eleven prior art witnesses and two prior art companies within DNJ's absolute subpoena power. Mot. 5-6, 11-12. Neither party has identified ***any*** relevant third parties in EDTX. For example, NJ-based Ivan Eliashevich is the inventor on two prior art patents and was the Director of Product Development at GELcore when it developed a prior art system—each of which Samsung charted in its invalidity contentions. Mot. 6, 11-12; Ex. 52; Ex. 53. Dr. Eliashevich is unwilling to attend trial in Texas, so Defendants would have to compel his attendance via trial subpoena. Zaidi ¶ 17. Although this Court finds that prior art witnesses rarely testify at trial, Samsung's identification of relevant third parties in DNJ—with ***none*** in EDTX—at least slightly favors transfer. *Promote Innovation LLC v. Bristol-Myers Squibb Co.*, No. 2:10-CV-120-TJW, 2011 WL 1399393, at *2 (E.D. Tex. Apr. 13, 2011) (factor favored transfer to DNJ where Plaintiff did not identify "any potential witnesses for which [EDTX]'s subpoena power [would] be needed" while Defendant identified "potential witnesses that may have information relevant to this action that are within the absolute subpoena power of [DNJ]").

The **practical-problems factor** is neutral. Defendants filed their motion 8 days after discovery opened and 9 months before the start of claim-construction briefing. *See* D.I. 53 (motion filed Dec. 20, 2024) D.I. 50; D.I. 48 (opening *Markman* brief due Sept. 19, 2025). This Court has held that similar timing favors transfer or is neutral. Ex. 56 [*Farmobile, LLC v. Farmers Edge Inc. et al.*, 2-21-cv-00411-JRG (E.D. Tex., July 7, 2022)] at 10; Ex. 57 [*Digital Broadcasting Solutions, LLC v. DISH Network LLC et al.*, 2:22-cv-00335-JRG (E.D. Tex., June 21, 2023)] at 15.

II. THE PUBLIC-INTEREST FACTORS STRONGLY FAVOR TRANSFER

The **local-interest factor** strongly favors transfer because [redacted] are based in NJ. Mot. 2-3; Ex. 44 at 17-23. It is those [redacted] employees whose reputations would be affected if the products they

promote to the public are found to infringe another's patents. *In re Hoffmann-La Roche Inc.*, 587 F.3d 1333, 1336 (Fed. Cir. 2009) (The "local interest in this case remains strong because the cause of action calls into question the work and reputation of several individuals residing in or near that district . . . ."); *see also Promote Innovation*, 2011 WL 665817, at *5 (location of "individuals responsible for making the decisions" favored transfer). Plaintiff argues that [redacted] "have little, if anything, to do with the events that gave rise to this action." Opp. 5. To the contrary, SEA's marketing of the accused products forms ***the basis*** for, *e.g.*, Plaintiff's allegations of induced infringement. D.I. 41 ¶¶ 17, 33, 50, 68, 84, 101, 118. Thus, SEA's [redacted] is central to the events giving rise to this suit. Mot. 14-15.

In contrast, Plaintiff concedes that EDTX has ***no*** localized interest in this case. Opp. 6 ("[N]o judicial district has a localized interest in this case."). Plaintiff points to SEA's total headcount in Plano (*id.*)—but none of those employees has any meaningful connection to this case. *See In re Juniper,* 14 F.4th at 1320.[4] Plaintiff specifically identifies [redacted] Opp. 6. [redacted]

The **court-congestion factor** is "speculative" and given "little weight." *Michael Moates v. Facebook Inc.*, No. 4:20-CV-896-ALM-KPJ, 2021 WL 3013371, at *11 (E.D. Tex. May 14, 2021). Here, this factor deserves no weight because Plaintiff does not compete with Defendants in the market. *In re Google LLC*, 58 F.4th 1379, 1383 (Fed. Cir. 2023); Ex. 43 at 111:9-18.[5]

[4] The [redacted] that Plaintiff identifies in Texas (Opp. 5) is [redacted]—outside EDTX—and, critically, [redacted]. Ex. 44 at 26-27.
[5] Moreover, Plaintiff cites time-to-trial statistics for all cases (Opp. 4), but DNJ's median time to trial for patent cases is only 6 months later than EDTX. Ex. 55.

Dated: April 23, 2025

By: */s/ Melissa R. Smith*

Melissa R. Smith
State Bar No. 24001351
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257
Email: melissa@gillamsmithlaw.com

Attorney for Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Display Co., Ltd.

Ryan Yagura (State Bar No. 24075933)
Grace McFee (*pro hac vice*)
Kelvin Han (*pro hac vice*)
O'MELVENY & MYERS LLP
400 South Hope Street, 19th Floor
Los Angeles, CA 90071
Telephone: (213) 430-6000
ryagura@omm.com
gmcfee@omm.com
kelvinhan@omm.com

Marc Pensabene (*pro hac vice*)
Laura B. Gore (*pro hac vice*)
O'MELVENY & MYERS LLP
1301 Avenue of the Americas, Ste. 1700
New York, NY 10019
Telephone: (212) 326-2000
mpensabene@omm.com
lgore@omm.com

Attorneys for Defendant Samsung Display Co., Ltd.

Paul A. Bondor (*pro hac vice*)
Yung-Hoon Ha (*pro hac vice*)
Cosmin Maier (*pro hac vice*)
Taeg Sang Cho (*pro hac vice*)
Jennifer M. Przybylski (*pro hac vice*)
Lee J. Matalon (State Bar No. 24117858)
Asim Zaidi (*pro hac vice*)
Alexander Walker (*pro hac vice*)
DESMARAIS LLP
230 Park Avenue
New York, NY 10169
Tel: 212-351-3400
Fax: 212-351-3401
jdesmarais@desmaraisllp.com
pbondor@desmaraisllp.com
yha@desmaraisllp.com
cmaier@desmaraisllp.com
tcho@desmaraisllp.com
jprzybylski@desmaraisllp.com
lmatalon@desmaraisllp.com
azaidi@desmaraisllp.com
lwalker@desmaraisllp.com

Attorneys for Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.

CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL

I hereby certify pursuant to Local Civ. R. 5(a)(7)(B)(2) that the Court has entered a Protective Order granting authorization to file Designated Material under seal in this matter.

Dated: April 23, 2025 By: */s/ Melissa R. Smith*

* * *

CERTIFICATE OF SERVICE

I hereby certify pursuant to Fed. R. Civ. P. 5(d) and Local. Civ. R. 5(c) that on April __, 2025, copies of the foregoing document and all associated papers (including sealed attachments/exhibits) were served upon all counsel of record via email.

Dated: April 23, 2025 By: */s/ Melissa R. Smith*