IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

INTELLECTUAL VENTURES I LLC and INTELLECTUAL VENTURES II LLC, *Plaintiffs*, v. SOUTHWEST AIRLINES CO., *Defendant*.	§ § § § § § § § § §	Civil Action No. 7:24-cv-00277-ADA JURY TRIAL DEMANDED

DEFENDANT SOUTHWEST AIRLINES CO.'S
MOTION TO TRANSFER VENUE

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Defendant Southwest Airlines Co. ("Southwest") requests transfer of this action to the United States District Court for the Northern District of Texas, Dallas Division, under 28 U.S.C. § 1404(a). The Northern District of Texas is clearly the more convenient forum for this case. Southwest is headquartered in Dallas, where relevant witnesses, documents, and sources of proof are located. The Western District of Texas, Midland/Odessa Division, has no meaningful connection to this case.

I. INTRODUCTION

This is a patent infringement action brought by Intellectual Ventures I LLC and Intellectual Ventures II LLC (collectively, "Intellectual Ventures" or "IV"), Delaware companies headquartered in Bellevue, Washington. Southwest is a Texas corporation headquartered in Dallas, Texas. This case should be transferred to the Northern District of Texas, Dallas Division, because "[t]he center of gravity of this action, focusing on the *Volkswagen* factors and the overriding convenience inquiry," is Dallas, not Midland/Odessa. *In re Google LLC*, 58 F.4th 1379, 1385 (Fed. Cir. 2023). Indeed, the Northern District of Texas would also have been a proper venue for IV's near-identical suit against American Airlines—filed the same day, asserting the same patents against the same products—because American Airlines is also based in the Northern District of Texas.

After a diligent investigation comparing this District to the Northern District of Texas, all relevant witnesses and sources of proof appear to be in Dallas. Southwest has not identified any relevant witnesses or sources of proof located in the Western District of Texas. Intellectual Ventures' Complaint likewise has not identified any meaningful connection to the Western District of Texas. Under Fifth Circuit law, every private and public interest factor favors transfer or is neutral, and no factor supports keeping this case in Midland/Odessa. Accordingly, transfer is warranted.

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II. FACTS

Intellectual Ventures filed this patent infringement lawsuit on November 2, 2024, accusing Southwest of infringing U.S. Patent Nos. 8,332,844 (the "'844 Patent"); 8,407,722 (the "'722 Patent"); 7,949,785 (the "'785 Patent"); 8,027,326 (the "'326 Patent"); 7,324,469 (the "'469 Patent"); and 7,257,582 (the "'582 Patent") (collectively, the "Asserted Patents"). The same day, IV separately sued another DFW-based airline, American Airlines, in the Eastern District of Texas alleging infringement of the same Asserted Patents.[1] Exhibit A to this motion is a sworn declaration from Shaun Tune, Southwest's Director of Enterprise Architecture (cited as "Decl.").

A. Southwest Airlines Is Headquartered in Dallas, Where Relevant Employees and Operations Are Located.

Southwest is a Texas corporation headquartered in Dallas, where executive leadership, corporate decision-making, and business operations occur. Decl. ¶2. Southwest's technology, legal, finance, compliance, and engineering teams are based in Dallas, where Southwest oversees company-wide policies, software systems, IT infrastructure, and vendor relationships. *Id.* ¶3.

Based on a diligent investigation, Southwest believes that all employees with knowledge potentially relevant to this case are based in Dallas. *Id.* ¶¶1, 4. These employees include system architects, software engineers, IT administrators, cybersecurity specialists, enterprise architects, and others supporting Southwest's IT infrastructure and cloud-based platforms. *Id.* ¶5. Southwest has not identified any employees in Midland/Odessa or elsewhere in the Western District of Texas with relevant knowledge. *Id.* ¶7. In its Complaint, Intellectual Ventures identified various

[1] Southwest has separately moved to sever and stay claims related to the '469 and '326 patents (the "Wi-Fi System Patents"). Dkt. 17. Southwest's motion to sever and stay is fully briefed in Defendant's Motion to Sever and Stay Claims Against In-Flight Connectivity Systems Based on the Customer-Suit Exception ("Motion to Sever and Stay"). *See id.*

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individuals supposedly familiar with accused technology in use at Southwest; of those Southwest could identify as actual employees or contractors, all worked in Dallas. *Id.* ¶5.

B. Relevant Documents and Data Are Stored in Cloud Environments or Facilities in and Around Dallas.

Southwest's pertinent business and technical records are either stored in cloud environments managed by Amazon Web Services ("AWS") and Red Hat OpenShift or housed in technology facilities in the Dallas area. *Id.* ¶8. Any access to those IT systems, network infrastructure, or records would need to be facilitated by IT personnel in Dallas. *Id.* ¶9.

Likewise, the physical computer resources used by Southwest—such as servers, workstations, and development machines—are either in Dallas or hosted in cloud environments. *Id.* ¶7. Southwest's vendor relationships, including contracts and business dealings related to AWS and Red Hat OpenShift, are managed in Dallas. *Id.* ¶¶3, 9. Dallas employees oversee software licensing, IT procurement, and cloud computing infrastructure. Upon a reasonable investigation, no witnesses, physical items, or records likely to be relevant to this case are located in Midland/Odessa or elsewhere in the Western District of Texas. *Id.* ¶¶8-9, 17-18.

C. Southwest Has No Relevant Presence in the Western District of Texas.

Southwest operates airport gate terminals in Midland, Austin, San Antonio, and El Paso with personnel and infrastructure to support travel needs and flight operations. *Id.* ¶10. But the employees in those locations are not responsible for IT infrastructure, technology, corporate decisions, or other matters likely relevant to this case. *Id.* ¶11. Their work relates to local airport operations and should have no relevance to this litigation. *Id.* ¶12.

D. Plaintiffs Are Delaware Companies Based in Washington.

Intellectual Ventures I LLC is a Delaware limited liability company with its principal place of business in Bellevue, Washington. Compl. Dkt.#1 ¶2. Intellectual Ventures II LLC is also a

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Delaware limited liability company headquartered in Bellevue, Washington. *Id.* ¶3. Intellectual Ventures does not allege that it has offices, employees, or operations in the Western District of Texas, nor does the Complaint identify any witnesses or sources of proof in this District.

III. LEGAL STANDARD

Under 28 U.S.C. § 1404(a), a district court may transfer a civil action to another district where the case could have been filed if transfer is for "the convenience of parties and witnesses, in the interest of justice." 28 U.S.C. § 1404(a). Under § 1404(a), a party moving to transfer venue 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*"). If the destination venue is a proper venue, "[t]he determination of 'convenience' turns on a number of public and private interest factors, none of which can be said to be of dispositive weight." *Action Indus., Inc. v. U.S. Fid. & Guar. Co.*, 358 F.3d 337, 340 (5th Cir. 2004) (internal citation omitted); *In re Planned Parenthood Fed. of Am., Inc.*, 52 F.4th 625, 630 (5th Cir. 2022); *In re Volkswagen AG*, 371 F.3d 201, 203 (5th Cir. 2004) ("*Volkswagen I*").

The Fifth Circuit assesses transfer requests using well-established private and public interest factors: "'(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.'" *Volkswagen II*, 545 F.3d at 314 (quoting *Volkswagen I*). "The public interest 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.*

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IV. ARGUMENT

A. This Case Could Have Been Filed In the Northern District of Texas.

As a threshold matter, this case "might have been brought" in Dallas. Under 28 U.S.C. § 1400(b), venue is proper where a defendant "resides." *TC Heartland LLC v. Kraft Foods Grp. Brands LLC*, 581 U.S. 258, 262 (2017). Venue is proper in the Northern District of Texas under 28 U.S.C. § 1391 and § 1400(b) because: Southwest is headquartered in Dallas; Dallas is the main hub for Southwest's business operations; and Dallas is where most relevant activities and decision-making occurs. There should be no dispute venue would have been proper in the Northern District of Texas.

B. The Private Interest Factors Favor Transfer.

1. The Relative Ease of Access to Sources of Proof Strongly Favors Transfer.

"In considering the relative ease of access to proof, a court looks to where documentary evidence, such as documents and physical evidence, is stored." *Fintiv Inc. v. Apple Inc.*, No. 6:18-cv-00372, 2019 WL 4743678, at *2 (W.D. Tex. Sept. 10, 2019). "In patent infringement cases, the bulk of the relevant evidence usually comes from the accused infringer. Consequently, 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). Moreover, the Court should consider "the location of document custodians and location where documents are created and maintained, which may bear on the ease of retrieval." *In re Google LLC*, No. 2021-178, 2021 WL 5292267, at *2 (Fed. Cir. Nov. 15, 2021).

Southwest's relevant technical and business records are either stored in cloud environments managed by AWS or housed at facilities around Dallas. Decl. ¶7. Access to those systems and related data has to be facilitated by employees in Dallas. *Id.* ¶¶8, 13-14. The relevant people and equipment are in the Northern District of Texas, not in Midland/Odessa. *Id.* ¶¶7-8, 13-14.

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Thus, the Northern District of Texas is the most convenient location for accessing relevant sources of proof, making this factor weigh strongly in favor of transfer.

2. The Availability of Compulsory Process for Witnesses Favors Transfer.

The ability to compel the attendance of non-party witnesses is another factor in the transfer analysis. *In re HP Inc.*, 826 F. App'x 899, 902 (Fed. Cir. 2020). The Northern District of Texas will have subpoena power over independent contractors, former employees, and technology vendors who currently work or previously worked with Southwest's IT and business operations in Dallas. Decl. ¶¶4-5. Southwest recently announced a workforce reduction focused on corporate overhead and leadership positions in Dallas, which will impact approximately 1,750 roles in Dallas, including at least one person IV identified by name in the Complaint exhibits as having knowledge regarding the accused technology. *Id.* ¶5. With venue in Dallas, subpoena power over Mr. Alagumalai and others would be available—but not if the case stays in Midland/Odessa. Further, third-party vendor relationships are managed and supported in Dallas, not Midland/Odessa, which would likely provide access to potential third-party witnesses in Dallas that would not be available in Midland/Odessa. *Id.* ¶¶6-9. Because the Dallas Division provides superior access to third-party witnesses, including at least one witness Intellectual Ventures has identified as having relevant knowledge, this factor strongly favors transfer.

3. The Cost of Attendance for Willing Witnesses Strongly Favors Transfer.

The convenience of witnesses is the most important factor in the transfer analysis. *In re Apple Inc.*, No. 2020-127, 2020 WL 3249953, at *2 (Fed. Cir. June 16, 2020); *In re Genentech, Inc.*, 566 F.3d 1338, 1343 (Fed. Cir. 2009); *Auto-Dril, Inc. v. Nat'l Oilwell Varco, L.P.*, No. 6:15-cv-00091, 2016 WL 6909479, at *7 (W.D. Tex. Jan. 28, 2016); *Lionra Tech. Ltd. v. Apple Inc.*, No. 22-cv-351, Dkt. 73, at 8 (W.D. Tex. May 9, 2023). "[I]n a case featuring most witnesses and evidence closer to the transferee venue with few or no convenience factors favoring the venue

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chosen by the plaintiff, the trial court should grant a motion to transfer." *In re Nintendo Co., Ltd.*, 589 F.3d 1194, 1198 (Fed. Cir. 2009). In the Fifth Circuit, if the distance between a current venue and a proposed venue is more than 100 miles, the inconvenience to witnesses increases in direct relationship to the additional distance they must travel if the matter is transferred. *Volkswagen II*, 545 F.3d at 317.

Based on a diligent inquiry and available information, Southwest has identified 15 specific software engineers, system architects, IT administrators, and executives based in Dallas who are potential or likely witnesses for this case. Decl. ¶¶4-9, 13-17. By contrast, Southwest has identified no one in Midland/Odessa or elsewhere in the Western District of Texas likely to have relevant information. *Id.* Requiring these witnesses to travel over 300 miles for hearings and trial would impose significant time, cost, and logistical burdens on them that would be substantially reduced if the case were transferred to Dallas. *Id.* ¶16. On the other hand, IV has identified no witnesses in Midland/Odessa who would be inconvenienced by transfer, reinforcing that this factor strongly supports transfer.

If this case remains in the Western District, Southwest's witnesses will be required to spend multiple days away from work and home, whereas a trial in the Northern District of Texas would require significantly less travel and disruption. Such travel burden strongly supports transfer. *See Volkswagen II*, 545 F.3d at 317 ("Witnesses not only suffer monetary costs, but also the personal costs associated with being away from work, family and community."). Accordingly, it would be clearly more convenient for these Dallas-based witnesses to attend trial in the Northern District of Texas. *Id.* (recognizing the "obvious conclusion" that "it is more convenient for witnesses to testify at home"). Because all known relevant witnesses are in Dallas and none are in Midland/Odessa, this factor weighs strongly in favor of transfer.

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4. Other Practical Considerations Are Neutral.

The final factor is neutral here. No related cases are pending in the Western District of Texas that would justify keeping this case in Midland/Odessa. The Northern District of Texas has substantial experience handling patent litigation, making it equally capable of efficiently managing this case. Accordingly, this factor is neutral.

C. The Public Interest Factors Favor Transfer.

5. Court Congestion Is Neutral.

The court congestion factor concerns "whether there is an appreciable difference in docket congestion between the two forums." *In re Adobe Inc.*, 823 F. App'x 929, 932 (Fed. Cir. 2020). The Federal Circuit has concluded that this factor should not weigh against transfer when plaintiff "is not engaged in product competition in the marketplace and is not threatened in the market in a way that, in other patent cases, might add urgency to case resolution." *In re Google LLC*, 58 F.4th 1379, 1383 (Fed. Cir. 2023). Here, Intellectual Ventures does not appear to be currently engaged in product competition in the marketplace and cannot be threatened in the market in a way that might add urgency to case resolution. *See id.* Indeed, Intellectual Ventures has not asked for an injunction in its prayer for relief, further demonstrating that there is no urgency in resolving this case. Accordingly, this factor is neutral.

6. The Local Interest Factor Strongly Favors Transfer to the Northern District of Texas.

Courts must evaluate whether there is a local interest in deciding the issues at home. *Volkswagen II*, 545 F.3d at 317. "A local interest is demonstrated by a relevant factual connection between the events and the venue." *Word to Info, Inc. v. Facebook, Inc.*, No. 14-CV-04387, 2015 WL 13870507, at *4 (N.D. Tex. Jul. 23, 2015). As this Court has previously noted, "this factor focuses on the events giving rise to the suit, instead of where a party maintains a footprint." *Gesture*

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Tech. Partners, LLC v. Apple Inc., No. 6:21-cv-00121-ADA, 2022 WL 3592451, at *6 (W.D. Tex. Aug. 22, 2022). The local interest in having localized interests decided at home strongly favors transfer to the Northern District of Texas.

In 1971, Southwest began its flight operations with flights operating exclusively to/from Dallas Love Field in Dallas. For over a half century, Southwest's headquarters and core business operations have been based in Dallas. As one of the largest and most recognized companies/employers in Dallas, Southwest is an important part of the Dallas community. Dallas is the only permissive venue with a strong local interest in this case. Decl. ¶¶10-14.

Intellectual Ventures has no presence in the Western District of Texas whatsoever, nor does Intellectual Ventures conduct business activities in Texas that relate to the accused technology. Under these circumstances, the Northern District of Texas has a compelling local interest in adjudicating a dispute implicating Southwest's business and technology operations. Because the Northern District of Texas has a direct interest in this case, this factor weighs heavily in favor of transfer.

7-8. Remaining Factors Are Neutral.

The remaining public interest factors—familiarity with the governing law and avoidance of conflict-of-law issues—are neutral, as there are no perceived conflicts of law and both courts are equally competent to apply federal patent law.

V. CONCLUSION

Every private and public interest factor either favors transfer or is neutral—none support keeping this case in Midland/Odessa. The Northern District of Texas, Dallas Division, is clearly the more convenient forum, as relevant witnesses, records, and corporate operations are based in Dallas. No meaningful connection exists between this dispute and the Western District of Texas.

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Accordingly, Southwest respectfully requests that the Court grant this motion and transfer this case to the Northern District of Texas, Dallas Division.

Date: February 28, 2025

Respectfully submitted,

/s/ S. Wallace Dunwoody

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CERTIFICATE OF CONFERENCE

I, the undersigned counsel, hereby certify that I conferred with Jon Waldrop, Will Ellerman, and other counsel for Plaintiffs on February 3, 2025, regarding the relief requested herein. Plaintiffs are opposed to the relief requested by this motion.

/s/ S. Wallace Dunwoody
S. Wallace Dunwoody

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was filed and served to all counsel of record using the Court's CMECF system on February 28, 2025.

/s/ S. Wallace Dunwoody
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Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

INTELLECTUAL VENTURES I LLC and INTELLECTUAL VENTURES II LLC,	§	
Plaintiffs,	§	**Civil Action No. 7:24-cv-00277-ADA**
v.	§	**JURY TRIAL DEMANDED**
SOUTHWEST AIRLINES CO.,	§	
Defendant.	§	

DECLARATION OF SHAUN TUNE IN SUPPORT OF SOUTHWEST'S MOTION TO TRANSFER VENUE

I, Shaun Tune, declare as follows:

1. I am employed by Southwest Airlines Co. ("Southwest") as Director of Enterprise Architecture. I have worked for Southwest for over twenty years, focusing on technology. I am generally familiar with the technology systems in use at Southwest. I chair Southwest's technology review board, a group that evaluates what technology to try, adopt, and retire. I also chair Southwest's architectural review board, a group that ensures technology adheres to company standards and policies. In my role at Southwest, I have personal knowledge of Southwest's corporate operations, employee locations, technology infrastructure, and record-keeping practices. I have reviewed the Complaint in this case and understand the technology at issue to include the software programs Docker, Kubernetes, Kafka, Spark, and Hadoop, as well as on-board connectivity hardware and software supplied by Anuvu and Viasat. The facts discussed in this declaration are based on my personal knowledge and a reasonable investigation of these matters.

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2. Since Southwest began operations over a half century ago, Southwest's headquarters have been in Dallas County, Texas, where all executive leadership, business operations, and corporate decision-making take place.

3. All departments responsible for technology, finance, legal, engineering, operations, and compliance are located in Dallas County. These departments oversee company-wide policies, software systems, IT infrastructure, and vendor relationships.

4. I am confident the Southwest employees with knowledge relevant to this case work in Dallas County. Although there is a lack of information as to which specific Southwest software programs, systems, and services are at issue, Southwest has attempted to determine which specific employees (out of nearly 75,000) or groups are likely to have relevant information. At this point, we believe the ones identified below are likely to be the people needed to collect information and/or provide testimony in connection with this case:

Name	**Title**	**Location**	**Topics for Testimony / Knowledge Areas**
CJ Woodley	Enterprise Architect Technology	Dallas HQ	The use or non-use of various open-source programs and/or enterprise versions supplied by vendors, such as VMWare (Hadoop); Amazon Web Services (EKS, EMR, ECS, ECR); Open Shift (Kubernetes)
Jason Norman	Principle Engineer	Dallas HQ	Technical details regarding infrastructure supplied by VMWare and, Red Hat/Open Shift, and AWS
Joey Feinstein	Director of Technology and Supply Chain Management	Dallas HQ	Contracts with Amazon Web Services, Open Shift, VMWare, and others
Jon Hartfield	Senior Solution Architect Technology	Dallas HQ	Technical details regarding cloud services supplied by AWS and Open Shift / Red Hat

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Name	Title	Location	Topics for Testimony / Knowledge Areas
Grant Morris	Solution Architect	Dallas HQ	Technical details regarding enterprise cloud solutions used by Southwest
James Omorodian	Solution Architect	Dallas HQ	Technical details regarding enterprise cloud solutions used by Southwest
Dowell Griffin	Technical Lead	Dallas HQ	Technical details regarding cloud solutions using AWS for AI projects
Kevin Tucker	Managing Director Technology	Dallas HQ	Senior business leader overseeing technology, including cloud engineering operations
Garland Mitchell	Managing Director Technology	Dallas HQ	Senior business leader overseeing technology, including middleware platforms
Michael Rankin	Enterprise Architect	Dallas HQ	Technical details regarding middleware services using AWS and Confluent Kafka
Todd DeShetler	Senior Manager of Technology	Dallas HQ	Senior business leader overseeing onboard Wifi and mobility
Monica Boss	Customer Experience Connectivity Consultant	Dallas HQ	Viasat systems / relationship manager / contract details
Melissa Doyle	Customer Experience Connectivity Consultant	Dallas HQ	Anuvu systems / relationship manager / contract details
Elly Jurgensen	Director of In Flight Experience	Dallas HQ	Business questions regarding onboard Wifi systems
Chris Muhich	Managing Director Aircraft Engineering	Dallas HQ	Onboard Wifi systems and other non-aviation aspects of aircraft configurations

5. The Complaint's attachments identified other individuals whose LinkedIn profiles supposedly suggested familiarity, experience, or knowledge of the various accused open-source software programs. Although Southwest has no records matching some of the LinkedIn profiles,

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at least the following individuals were confirmed as having worked for Southwest in Dallas at either its Love Field headquarters or at an auxiliary location on Cedar Springs Road in Dallas.

Name	**Title**	**Location**	**Purported Skill / Experience With**
Sundhar Alagumalai	Former Solutions Architect	Cedar Springs	Kafka
Madhuker Daraboina	Software Engineer	Dallas HQ	Kubernetes
Abhijit Roy	Tester (contractor not an employee)	Dallas HQ	Kubernetes
Saikumar Kada	Tech Ops Software Engineer (contractor not an employee)	Cedar Springs	Kubernetes

6. Southwest recently announced a reduction in workforce to create a leaner and more agile organization. The reduction of approximately 1,750 roles was focused almost entirely on corporate overhead and leadership positions and represented about 15% of corporate positions, including senior leadership and directors in Dallas. Although I do not know the full impact of the reduction in workforce on employees relevant to this case, I do know that at least one person identified above, Sundhar Algumalai, was part of the reduction in workforce. If there are other people relevant to this lawsuit impacted by the reduction in workforce, they are likely to be employees in the technology group in Dallas. Based on my knowledge and investigation, I do not believe there are any employees in Midland/Odessa or anywhere else in the Western District of Texas who have relevant information or were impacted by the reduction in workforce.

7. A significant portion of Southwest's computing infrastructure and data storage operates in cloud environments managed by third-party providers, including Amazon Web Services (AWS) and Red Hat OpenShift. In addition to cloud storage, Southwest maintains three legacy data centers—two in Dallas County and another in Collin County, Texas—which house

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various records and backup systems. The computers used by Southwest's IT personnel, including the people identified above, are physically located in Dallas or hosted in cloud environments.

8. The employees responsible for managing, deploying, and maintaining Southwest's cloud-based infrastructure, including the individuals identified above, are based in Dallas. Based on my knowledge and investigation, I do not believe there are any relevant IT staff based in Midland/Odessa or elsewhere in the Western District of Texas.

9. The employees responsible for negotiating, managing, and overseeing vendor relationships are based in Dallas. Based on my knowledge and investigation, I do not believe any relevant vendor relationships are handled from Midland/Odessa or anywhere else in the Western District of Texas.

10. Southwest operates gate terminals in multiple cities within the Western District of Texas, including Midland, Austin, San Antonio, and El Paso. These locations support passenger boarding, baggage handling, and flight operations but are not involved in corporate functions, software development, IT infrastructure, or vendor management.

11. Employees at these gate terminals are not responsible for corporate decision-making, IT systems, software development, or vendor negotiations. Their work is focused on airport operations, customer service, and local flight logistics.

12. The records kept in Midland/Odessa or elsewhere in the Western District of Texas should pertain to local airport operations, not technologies mentioned in the Complaint.

13. Southwest employees in Midland/Odessa or anywhere else in the Western District of Texas should not have any responsibility for the company's cloud-based infrastructure, accused software programs, IT architecture, or other technology at issue.

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14. Based on my knowledge and investigation, there are no Southwest software engineers, system architects, IT professionals, or other individuals with relevant knowledge located in Midland/Odessa or anywhere in the Western District of Texas.

15. Based on my knowledge and investigation, our software development documentation, IT system logs, vendor agreements, and other potentially relevant information are maintained in Dallas or on cloud-based repositories accessible by personnel in Dallas.

16. If this case remains in Midland/Odessa, I believe that every single Southwest employee with relevant knowledge would need to travel from headquarters in Dallas over 300 miles to attend trial in Midland/Odessa, whereas the travel distance from headquarters to the federal courthouse in Dallas is under 10 miles, so I expect it would cause less personal and professional disruptions and be considerably more convenient for those individuals' work and personal lives to make necessary court appearances in Dallas, rather than in Midland/Odessa.

17. Based on my knowledge and investigation, I am unaware of any Southwest employees, data repositories, or corporate records in Midland/Odessa that are relevant to this case.

18. I believe that the relevant documents, witnesses, and corporate operations are located in Dallas County. By contrast, I believe that Midland/Odessa has no meaningful connection to the corporate decisions, technology infrastructure, or business activities relevant to this litigation.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 27, 2025, in Dallas County, Texas.

Shaun Tune

Shaun Tune
Director of Enterprise Architecture
Southwest Airlines Co.

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