[redacted]

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

SECURE COMMUNICATION TECHNOLOGIES, LLC, *Plaintiff* v. SAMSUNG ELECTRONICS CO., LTD. and SAMSUNG ELECTRONICS AMERICA, INC., *Defendants*.	§ § § § § § § § § § §	Case No. 2:24-cv-00484-JRG-RSP [redacted] 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. INTRODUCTION 1
II. FACTUAL BACKGROUND 2
A. SCT Accuses Samsung and Google Functionality 2
B. SCT Has Minimal Ties to this District 2
C. Samsung's Relevant Witnesses and Documents are Primarily in Korea 3
D. Third-Party Google's Witnesses and Documents are Primarily in the NDCA 4
E. Other Relevant Third-Parties Are Located In California 6
III. LEGAL STANDARD 7
IV. ARGUMENT 7
A. This Case Could Have Been Brought in the NDCA 7
B. The Private Interest Factors Favor Transfer to the NDCA 8
1. The Availability of Compulsory Process Strongly Favors Transfer 8
2. Access to Sources of Proof Favors Transfer 10
3. Cost of Attendance for Willing Witnesses Favors Transfer 12
4. Other Practical Problems is Neutral 14
C. The Public Interest Factors Favor Transfer to the NDCA 14
1. The NDCA Has a Strong Local Interest 14
2. The Remaining Public Interest Factors are Neutral 15
V. CONCLUSION 15

TABLE OF AUTHORITIES

Page

CASES

Adaptix, Inc. v. HTC Corp.,
937 F. Supp. 2d 867 (E.D. Tex. 2013) 8

AGIS Software Dev. LLC v. Samsung Elecs. Co.,
No. 2:19-cv-362-JRG (E.D. Tex.) 9

Auto. Body Parts Ass'n v. Ford Glob. Techs., LLC,
No. 4:13-CV-705, 2015 WL 123852 (E.D. Tex. Jan. 7, 2015) 14

Fujinomaki v. Google Inc.,
No. 2:15-cv-1381-JRG-RSP, 2016 WL 2807798 (E.D. Tex. May 13, 2016) 13

In re Apple Inc.,
No. 2021-181, 2021 WL 5291804 (Fed. Cir. Nov. 15, 2021) 8

In re Apple Inc.,
No. 2022-128, 2022 WL 1196768 (Fed. Cir. Apr. 22, 2022) 10

In re Clarke,
94 F.4th 502 (5th Cir. 2024) 14, 15

In re Genentech Inc.,
566 F.3d 1338 (Fed. Cir. 2009) 10, 12, 15

In re Google LLC,
58 F.4th 1379 (Fed. Cir. 2023) 10, 11

In re Google LLC,
No. 2021-170, 2021 WL 4427899 (Fed. Cir. Sept. 27, 2021) 13

In re Google LLC,
No. 2021-171, 2021 WL 4592280 (Fed. Cir. Oct. 6, 2021) 11, 15

In re Google LLC,
No. 2022-140, 2022 WL 1613192 (Fed. Cir. May 23, 2022) 10, 11, 12, 13

In re Hoffmann-La Roche Inc.,
587 F.3d 1333 (Fed. Cir. 2008) 14

In re Juniper Networks, Inc.,
14 F.4th 1313 (Fed. Cir. 2021) ..... passim

In re Samsung Elecs. Co.,
2 F.4th 1371, 1379 (Fed. Cir. 2021) 10, 11, 13, 15

TABLE OF AUTHORITIES

Page

In re Samsung Elecs. Co.,
No. 2023-146, 2023 WL 8642711 (Fed. Cir. Dec. 14, 2023) 13

In re TikTok, Inc.,
85 F.4th 352 (5th Cir. 2023) 13

In re Volkswagen AG,
371 F.3d 201 (5th Cir. 2004) 7

In re Volkswagen of Am., Inc.,
545 F.3d 304 (5th Cir. 2008) 7

Porto Tech. Co. v. Samsung Elecs. Am., Inc.,
No. 2:15-cv-458-JRG-RSP, 2016 WL 937388 (E.D. Tex. Mar. 11, 2016) 10, 13

Valtrus Innov. v. SAP Am. Inc.,
No. 2:24-CV-00021-JRG, 2024 WL 5110052 (E.D. Tex. Dec. 13, 2024) 14

STATUTES

28 U.S.C. § 1391(c)(3) 8

28 U.S.C. § 1400(b) 8

28 U.S.C. § 1404(a) 1, 7

35 U.S.C. § 287 ..... 9, 12

RULES

Fed. R. Civ. P. 45(c) 8

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I. INTRODUCTION

Defendants Samsung Electronics Co., Ltd. ("SEC") and Samsung Electronics America, Inc. ("SEA") (collectively "Samsung") respectfully move to transfer this action filed by Secure Communication Technologies, LLC ("SCT") to the Northern District of California ("NDCA") pursuant to 28 U.S.C. § 1404(a).

SCT's infringement allegations are predicated on four software applications, two of which are developed by third-party Google: (1) Google Fast Pairing Service ("GFPS"), and (2) Nearby Share. At least [redacted] Google engineers and the likely trial witnesses knowledgeable about GFPS and Nearby Share are located in the NDCA or elsewhere in California, where Google is headquartered; none are located in Texas. The two other accused software applications, developed by Samsung, are: (1) Quick Share, and (2) SmartThings Find (formerly "Find My Mobile"), including as used in conjunction with Samsung's SmartTags. The engineers who designed and developed Quick Share, SmartThings Find, and SmartTags are located in Korea, and travel from Korea to the NDCA is substantially shorter and more convenient than travel to this Court.

Conversely, SCT's ties to Texas are litigation-driven, ephemeral, and thus entitled to little if any weight. While SCT alleges that it is a Texas limited liability company, it was only formed six months before filing suit to litigate the asserted patents. Indeed, SCT shares the same address as the law firm of its owner and principal. SCT's patents were originally assigned to a Florida company owned by their inventors, both of whom are still located in Florida. For these witnesses, travel time to either the NDCA or this Court is the same. Finally, the NDCA is also home to six prior art witnesses and companies, prosecution counsel for SCT's patents (who is especially relevant here for Samsung's inequitable conduct defense), and a prior licensee of SCT's patents.

The facts here are similar to, if not stronger than, several past patent cases filed against Samsung, implicating software developed by third-party Google in the NDCA, which have been

transferred from this District to the NDCA. As in these past cases, because the events that gave rise to this lawsuit depend substantially on evidence and witnesses located in the NDCA, this case should be transferred to that district.

II. FACTUAL BACKGROUND

A. SCT Accuses Samsung and Google Functionality

SCT filed this case on July 3, 2024, asserting three patents against Samsung: U.S. Patent Nos. 11,334,918 ("'918 Patent"), 11,443,344 ("'344 Patent"), and 11,687,971 ("'971 Patent") (collectively, "Asserted Patents"). Dkt. 1 (Compl.) at 1. The Asserted Patents are generally directed to a method for establishing a connection between nearby mobile devices using both long-range and short-range wireless communications. SCT alleges that Samsung smartphone, tablet, and laptop devices infringe the Asserted Patents based on Google and Samsung software applications or features running on those devices. In particular, across all three Asserted Patents, SCT accuses (1) GFPS, based on its device pairing features; (2) Nearby Share and (3) Quick Share, based on their device pairing and data transfer features;[1] and (4) Find My Mobile, based on its ability to locate a user's other mobile devices and registered SmartTags. Exs. A-C (Infringement Contentions, Exs. 1-27). The table below summarizes SCT's allegations.

Accused Feature	Developer	Accused Devices
GFPS	Google	Samsung phones and tablets
Nearby Share	Google	Samsung phones and tablets
Quick Share	Samsung	Samsung laptops
SmartThings Find (formerly Find My Mobile)	Samsung	Samsung phones and tablets
SmartTags	Samsung	Samsung phones and tablets

B. SCT Has Minimal Ties to this District

[1] In 2024, Google's Nearby Share application merged with Samsung's Quick Share application on Samsung Android devices. The merged application keeps Samsung's "Quick Share" name, but includes Google's Nearby Share functionality.

[redacted]

While SCT alleges that it is a Texas limited liability company (Compl. ¶ 4), SCT was only formed a year ago, on January 8, 2024, to acquire and litigate the Asserted Patents. Exs. D-E. SCT appears only to have a single member, its Manager, founder, and principal, Eric M. Albritton, who is a patent attorney. *Id.* Indeed, SCT shares the same address as Mr. Albritton's firm, the Albritton Law Firm of 204 N. Fredonia Street, Longview, Texas 75601. Exs. D, F. SCT's asserted patents were previously owned by Proxicom Wireless, a Florida corporation located in Indialantic, Florida, which is also where the two named inventors of the Asserted Patents reside. Exs. G, H.

C. Samsung's Relevant Witnesses and Documents are Primarily in Korea

SEC is a Korean corporation with its principal place of business in Suwon, Republic of Korea. Declaration of [redacted] (hereinafter "Quick Share Decl.") ¶ 8. SEA is a wholly-owned subsidiary of SEC and a New York corporation with its principal place of business in Ridgefield Park, New Jersey. Declaration of [redacted] (hereinafter "SEA Decl.") ¶¶ 8-9. SEA maintains corporate offices throughout the United States, including in Plano, Texas. SEA's activities are focused on commercialization, sales, and marketing for Samsung devices. *Id.* ¶ 10. SEA also maintains an office in Mountain View, California (in the NDCA), where it has [redacted] full-time employees. *Id.* ¶ 14.

The accused Quick Share application was developed by SEC engineers in Korea and Bangladesh. Quick Share Decl. ¶¶ 10, 15. Design documents and source code for Quick Share are located in Korea and Bangladesh. *Id.* ¶ 16. Employees responsible for designing and developing Quick Share are in Korea and include potential trial witness [redacted]. *Id.* ¶ 10.

The accused "Find My Mobile" application is now called SmartThings Find, and was developed by SEC engineers in Korea. Declaration of [redacted] ("hereinafter SmartThings Decl.") ¶¶ 11, 13. While its core functionality, including the accused functionality, has remained essentially the same, it is now integrated as a downloadable add-on application in the SmartThings

[redacted]

platform. *Id.* ¶ 11. The SmartThings platform was originally developed by SmartThings, Inc. ("STI"), which is based in Mountain View, California, before STI was acquired by Samsung in 2014. *Id.* ¶ 10. STI still operates as a separate subsidiary within Samsung and it has [redacted] in the NDCA, with no place of business in the EDTX. *Id.* Design documents and source code for the SmartThings Find application and SmartTags are located in Korea. *Id.* ¶ 14. Samsung employees knowledgeable about the accused SmartThings Find application and SmartTags are located in Korea and include potential trial witnesses, [redacted]. *Id.* ¶ 13.

Neither SEC nor SEA has any employees who research, design, or develop the accused Google applications (i.e., GFPS or Nearby Share). Quick Share Decl. ¶ 12; SEA Decl. ¶ 13. Nor do they have access to any proprietary documentation or source code for GFPS or Nearby Share. *Id.* SEC employees who manage the supply and commercial relationship with Google regarding GFPS and Nearby Share are located in Korea. Quick Share Decl. ¶ 11.

D. Third-Party Google's Witnesses and Documents are Primarily in the NDCA

The Google teams responsible for designing and developing both the accused GFPS and Nearby Share applications are led by [redacted] a Software Engineering Manager, who works out of Google's Mountain View headquarters. Decl. of [redacted] (hereinafter "Google Decl.") ¶¶ 2-3. [redacted], the GFPS engineering team's most knowledgeable members are (1) [redacted], a Technical Lead Manager for GFPS, and (2) [redacted], an Engineering Manager for GFPS. *Id.* ¶ 3. The GFPS team has [redacted] members, with [redacted] of those members working from Google's offices in Mountain View, California ([redacted]), one working from Google's offices in Irvine, California ([redacted]), and the remaining [redacted] working from Google's offices in Taiwan. *Id.* No member of the GFPS team lives or works in Texas. *Id.* Google's technical documents and source code for GFPS are created and maintained

[redacted]

by the engineers who work on that feature in Mountain View, Irvine, and Taiwan. *Id.* ¶ 4.

Also [redacted], the Nearby Share engineering team's most knowledgeable members are (1) [redacted], a Staff Software Engineer and Technical Lead Manager for Nearby Share; and (2) [redacted], a Software Engineer for Nearby Share. *Id.* ¶ 3. The Nearby Share team has [redacted] members, most of whom work from Google's offices in Mountain View (including Mr. Kwan) or San Francisco. *Id.* The team also includes engineers working from offices in Cambridge, Massachusetts; Kirkland, Washington; New York ([redacted]); and Taiwan. *Id.* No team members live or work in Texas. *Id.* Google's technical documents and source code for Nearby Share are created and maintained by the engineers who work on that feature in Mountain View, San Francisco, Cambridge, Kirkland, New York, and Taiwan. *Id.* ¶ 4.

SCT's infringement contentions include allegations involving the ability to back up and synchronize users' Google Contacts to their devices, and use of Nearby Share to share content with those Google Contacts. *See, e.g.*, Ex. A at 0047-48. The engineers responsible for synchronization and management of Google Contacts for Android ("Contact Sync") are led by [redacted], a Software Engineering Manager who works from Google's offices in Sunnyvale, California. Google Decl. ¶ 3. [redacted] team responsible for Contact Sync consists of [redacted] engineers, with [redacted] engineers in Sunnyvale, and [redacted] engineers in Kirkland, Washington. *Id.* No members of [redacted] team live or work in Texas. *Id.* Google's technical documents and source code for synchronization and management of Google Contacts for Android are maintained by the engineers who work on that feature in Sunnyvale and Kirkland. *Id.* ¶ 4.

To summarize, the names and locations of most relevant Google employees and potential trial witnesses are as follows:

Google Employee	Location	Role at Google
[redacted]	Mountain View, CA	Engineering Manager leading teams responsible

[redacted]

		for GFPS and Nearby Share
[redacted]	Mountain View, CA	Technical Lead Manager for GFPS
[redacted]	Irvine, CA	Engineering Manager for GFPS
[redacted]	New York, NY	Staff Software Engineer and Technical Lead Manager for Nearby Share
[redacted]	Mountain View, CA	Software Engineer for Nearby Share
[redacted]	Sunnyvale, CA	Software Engineering Manager responsible for synchronization and management of Google Contacts for Android-based mobile devices.

E. Other Relevant Third-Parties Are Located In California

Samsung has identified numerous other third-party witnesses located in California. For instance, Samsung's invalidity contentions include publication and system prior art developed by inventors, authors, and/or companies located in California, as summarized in the chart below:

Reference	Author / Inventor / Assignee	Location
US 7,545,784	Man-Ho Lawrence Lee	San Jose, CA
US 2009/0245142	Roy Want	Los Altos, CA
	Trever Pering	San El Granada, CA
	Shivani Sud	Mountain View, CA
US 8,239,286	Ryan A. Haveson	Pasadena, CA
802.11 Mesh	Mesh Dynamics	Santa Clara, CA

See Exs. I-K; *see also* Ex. L (invalidity contention cover pleading identifying the foregoing prior art references). This includes the 802.11 Mesh mobile device developed by Mesh Dynamics, a small company located solely in Santa Clara, California, which is in the NDCA. Ex. K. Physical evidence, such as samples, related to 802.11 Mesh is thus likely to be located in the NDCA.

The law firm that prosecuted the Asserted Patents, VLP Law Group LLP, is also located in the NDCA. Ex. M; Exs. N-P. VLP and its attorneys are especially relevant because, as detailed in the Answer, Samsung has alleged that all claims of the Asserted Patents are unenforceable due to inequitable conduct based on intentionally false claims of priority and continuation status, and improper changes to the specification of an application in the priority chain. Dkt. 19 at ¶¶ 95-117. VLP prosecuted that application as well as the Asserted Patents. Ex. Q; Exs. N-P.

[redacted]

The NDCA is also home to [redacted] a licensee of the Asserted Patents. Ex. R. [redacted] obtained its license [redacted]. Ex. S; Ex. T. [redacted], who currently resides in Alameda, California. Ex. S; Ex. U.

Samsung is not aware of any relevant third-parties located in Texas. Notably, the inventors of the Asserted Patents—James Proctor Jr. and James Proctor III—are located in Florida, as is their company, Proxicom Wireless, LLC, the prior assignee of the Asserted Patents. Ex. H.

III. LEGAL STANDARD

Section 1404(a) requires the moving party to 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). The movant must then demonstrate that the "transferee venue is clearly more convenient" under private and public factors, which 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; 4) all other practical problems that make trial of a case easy, expeditious, and inexpensive; 5) the administrative difficulties flowing from court congestion; 6) the local interest in having localized interests decided at home; 7) the familiarity of the forum with the law that will govern the case; and 8) the avoidance of unnecessary problems of conflict of laws. *In re Volkswagen AG*, 371 F.3d 201, 203 (5th Cir. 2004).

IV. ARGUMENT

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). SEA has offices with [redacted] full-time

employees in the NDCA. SEA Decl. ¶ 10. 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. The Availability of Compulsory Process Strongly Favors Transfer

Compulsory process strongly favors transfer because at least ***15*** relevant third-party witnesses and companies reside in the NDCA or California. The subpoena power of a federal court extends to either within 100 miles from the court or "within the state where the person resides" if the person "would not incur substantial expense" to attend trial. Fed. R. Civ. P. 45(c). "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).

Here, SCT's infringement theories are based in substantial part on the operation of software developed by third-party Google—GFPS and Nearby Search. That Google's NDCA-based employees are subject to the NDCA's subpoena power is enough to weigh this factor in favor of transfer. *See, e.g.*, *In re Apple Inc.*, No. 2021-181, 2021 WL 5291804, at *3 (Fed. Cir. Nov. 15, 2021) (faulting the district court for discounting third-party Google's presence in the NDCA because plaintiff's infringement allegations were based in substantial part on Google software and there was "no reason to doubt that employees of Google [in the NDCA] … [would] have relevant and material information"). Indeed, [redacted] Google engineers most knowledgeable about the design and functionality of the accused features of GFPS and Nearby Search are in the NDCA or elsewhere in California, including the manager of both engineering teams and likely trial witness, [redacted] *Supra* § II.D.

In addition, at least six prior art witnesses and companies with knowledge of relevant prior art identified in Samsung's invalidity contentions reside in California. *Supra* § II.E. This includes Mesh Dynamics, a small company located solely in the NDCA, which developed the 802.11 Mesh

[redacted]

prior art system. *Id.*

The NDCA is also home to witnesses relevant to Samsung's inequitable conduct defense, which is based on materially false claims of priority and continuation status made during prosecution of a related patent of the Asserted Patents. Dkt. 19 at ¶¶ 95-117. Those false claims were made by prosecution attorneys at VLP Law Group LLP, based in the NDCA, who represented the applicant during prosecution of the related patent and all three Asserted Patents. *Supra* § II.E.

Additionally, [redacted], a licensee to the Asserted Patents is located in the NDCA, as is i[redacted], who has direct knowledge of the license. *Id.* That license is relevant to damages, secondary considerations of non-obviousness, and marking defenses under § 287.

On the other hand, SCT's likely third-party witnesses are neutral in the transfer analysis. In particular, the inventors of the Asserted Patents are located in Florida, as is their company, Proxicom Wireless, LLC, the prior assignee of the Asserted Patents. *Id.*

Thus, the merits of non-infringement, invalidity, and certain of Samsung's defenses will likely involve information obtained from at least 15 third parties in California. To the extent SCT contends not all 15 third parties will appear at trial, the Federal Circuit has rejected exactly this type of "categorical assumption that defendants are likely to call few if any of the proposed party witnesses or prior-art witnesses" and has instead directed courts to give due weight to relevant, identified third parties. *In re Juniper Networks, Inc.*, 14 F.4th 1313, 1319 (Fed. Cir. 2021).

And on multiple occasions, this Court and the Federal Circuit have ordered transfer in cases like this one, where Samsung was the named defendant but the plaintiff's infringement contentions involved software developed by third-party Google in the NDCA. For example, *AGIS Software Development LLC v. Samsung Electronics Co.*, No. 2:19-cv-362-JRG (E.D. Tex.), was transferred

from this District to the NDCA in part because third-party Google engineers for the accused Google software applications running on Samsung devices were located there. *In re Google LLC*, No. 2022-140, 2022 WL 1613192, at *4-5 (Fed. Cir. May 23, 2022). Notably, other aspects of the *AGIS* case were less favorable to transfer than here, including that the transferor court in this District had prior experience with the same patents, including during *Markman* proceedings. *Id*.

Similarly, the Federal Circuit granted transfer to the NDCA in *In re Samsung Electronics Co.*, because—like here—the allegations against Samsung were predicated on third-party Google applications running on Samsung devices, and the NDCA was where "over a dozen third-party individuals" reside. 2 F.4th 1371, 1379 (Fed. Cir. 2021). Likewise, this Court transferred a case against Samsung to the NDCA when the allegations were premised on Google software. *See Porto Tech. Co. v. Samsung Elecs. Am., Inc.*, No. 2:15-cv-458-JRG-RSP, 2016 WL 937388, at *2 (E.D. Tex. Mar. 11, 2016). Here, the presence of prosecution counsel and a licensee in the NDCA—factors not present in those prior cases—further favors transfer.

2. Access to Sources of Proof Favors Transfer

Sources of proof favors the NDCA because a substantial portion of relevant documentary evidence is with third-party Google. "In 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. *In re Google LLC*, 58 F.4th 1379, 1385 (Fed. Cir. 2023). The electronic nature of documents does not render this factor irrelevant. *In re Google*, 2022 WL 1613192, at *3. This is particularly true where the personnel who created the relevant documents are in one jurisdiction but not the other. *See, e.g.*, *In re Apple Inc.*, No. 2022-128, 2022 WL 1196768, at *4 (Fed. Cir. Apr. 22, 2022).

[redacted]

In this case, the bulk of the relevant evidence for deciding infringement will come from (1) Google in the NDCA, which developed the accused GFPS and Nearby Share applications; and (2) SEC in Korea, which developed the "Find My Mobile" application (now called SmartThings Find), Smart Tags, and Quick Share.

Technical documents and source code relating to the accused Google applications are in Google's possession and were created and maintained by Google engineers who are primarily located in the NDCA. *See supra* § II.D*; In re Google LLC*, No. 2021-171, 2021 WL 4592280, at *7 (Fed. Cir. Oct. 6, 2021) (favoring transfer where "source code and technical documents relating to the accused activities" were "created and are maintained in the Northern District of California").

As to Samsung's evidence in Korea and Bangladesh, because it is located outside of both this District and the NDCA, its location is neutral to the analysis. *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."). Although defendant SEA has offices in Plano and may maintain certain financial and marketing documents there, that same fact has not prevented transfer from this District to the NDCA in several past cases filed against SEA where, as here, a substantial portion of relevant technical evidence is from Google and its employees in the NDCA. *See, e.g.*, *In re Google*, 2022 WL 1613192, at *1; *In re Samsung*, 2 F.4th at 1379.

Further, the six prior artists identified in Section II.E are likely to have evidence in the NDCA relating to their prior work, which may include documents, source code, prototypes, or samples. In particular, product samples and other physical evidence related to the 802.11 Mesh mobile device are likely to be found at Mesh Dynamics's sole office, in the NDCA. *See supra* § II.E. The likely presence of such physical evidence in California favors transfer. *See, e.g.*, *In re Google*, 58 F.4th at 1385 (determining this factor favors the NDCA when physical prototypes are

[redacted]

located only there). Additionally, evidence related to Samsung's inequitable conduct defense is likely located at VLP Law Group LLP offices, which are in the NDCA. *See supra* § II.E. And licensing documents relevant to damages, secondary considerations of non-obviousness, and marking defenses under § 287 are likely in the possession of [redacted] in the NDCA. *Id.*

By contrast, the majority of SCT's evidence is likely located in Florida, not in Texas. While SCT has an office in Texas, SCT was only formed a year ago, and shares an address with the law firm of its principal, Manager, and sole member, Eric M. Albritton. *Supra* § II.B. The Federal Circuit has emphasized numerous times that such "recent and ephemeral" presence should be accorded "little or no weight." *E.g.*, *In re Juniper Networks, Inc.*, 14 F.4th 1313, 1320 (Fed. Cir. 2021). For instance, in *In re Google LLC*, the Federal Circuit declined to give any significant weight to the presence of plaintiff's office in the transferor forum, since "[plaintiff] leased [it] just prior to commencing litigation." 2022 WL 1613192, at *4-5. *Id*. The same reasoning applies here to SCT, which was formed mere months before bringing this suit.

On the other hand, documents relating to the development of the alleged inventions, assignments of the Asserted Patents, and past litigations involving family members of the Asserted Patents are likely to be found in Florida, where the inventors and prior assignee of the Asserted Patents are located. *See supra* § II.E. And even if SCT has patent-related documents at Mr. Albritton's law firm office, such documents are mostly available from public sources and will pale in volume and importance to the technical documents and source code from third-party Google, in the NDCA. *See, e.g.*, *In re Genentech Inc.*, 566 F.3d 1338, 1345 (Fed. Cir. 2009).

3. Cost of Attendance for Willing Witnesses Favors Transfer

Under the cost for willing witnesses factor, "the inquiry should focus on the cost and inconvenience imposed on the witnesses by requiring them to travel to a distant forum and to be away from their homes and work for an extended period of time." *In re Google LLC*, No. 2021-

170, 2021 WL 4427899, at *4 (Fed. Cir. Sept. 27, 2021).

The NDCA is more convenient for Samsung's Korea-based witnesses who developed Quick Share, Find My Mobile (now called SmartThings Find), and SmartTags. *See supra* § II.C. The Fifth Circuit has held that California is "clearly more convenient" than Texas for employee-witnesses located in East Asia. *In re TikTok, Inc.*, 85 F.4th 352, 361 (5th Cir. 2023). The Federal Circuit has since applied *TikTok*, directing transfer in a case where it found that Samsung's employees in Korea weighed in favor of transfer to the NDCA, given the greater ease of travel there versus Texas. *In re Samsung Elecs. Co.*, No. 2023-146, 2023 WL 8642711, at *2 (Fed. Cir. Dec. 14, 2023). The Federal Circuit's reasoning is supported here by a comparison of travel times, which shows it would take 11 hours, or one direct flight, to travel from Seoul, Korea to San Francisco in the NDCA, versus 15 hours of flights and driving to travel from Seoul to Marshall, Texas. Ex. V (Flights from Seoul to San Francisco); Ex. W (Flights from Seoul to Dallas); Ex. X (drive time from Dallas to Marshall).

Although named defendant SEA has offices and employees in Texas, SEA's activities are focused on sales, marketing, and commercialization for Samsung devices; it has no employees in the EDTX who work on the design of any of the accused applications. SEA Decl. ¶¶ 10-11. Any witnesses from SEA's Texas offices do not outweigh the far greater number of technical witnesses traveling from Korea. As such, the Federal Circuit and this District have repeatedly directed transfer of other cases filed against SEA where, as here, much of the technical information will come from third-party Google and its witnesses in the NDCA. *See, e.g.*, *In re Google*, 2022 WL 1613192, at *1; *In re Samsung*, 2 F.4th at 1379; *Porto*, 2016 WL 937388, at *2; *Fujinomaki v. Google Inc.*, No. 2:15-cv-1381-JRG-RSP, 2016 WL 2807798, at *2 (E.D. Tex. May 13, 2016).

For SCT, transfer to the NDCA will cause no additional hardship. SCT's likely main

witnesses are the inventors of the Asserted Patents, who are located in Indialantic, Florida. Travel to the NDCA is no more inconvenient than travel to the EDTX. In particular, travel from Indialantic to San Francisco would take approximately six hours—the same as travel from Indialantic to Marshall. Ex. Y (6h 11 min flight from Orlando to San Francisco); Ex. Z (3h flight from Orlando to Dallas); Ex. X (2h 32min drive from Dallas to Marshall). While Indialantic, Florida is closer to Marshall than NDCA under a straight-line comparison, courts considering the convenience factor have continued to consider travel time. *See, e.g.*, *In re Clarke*, 94 F.4th 502, 514 n.20 (5th Cir. 2024) (considering "[t]ravel time" under this factor); *Valtrus Innov. v. SAP Am. Inc.*, No. 2:24-CV-00021-JRG, 2024 WL 5110052, at *4 (E.D. Tex. Dec. 13, 2024) (same and stating "courts do not just consider how long and far a witness must travel").

4. Other Practical Problems is Neutral

This case is in its early stages, so transfer would not prejudice SCT. The *Markman* hearing is 8 months away, fact discovery doesn't close for another 9 months, and trial is scheduled for May 4, 2026. Dkt. 41 at 4. This District has granted transfer where cases remained in similarly "early stages" in discovery and there was "no improper delay." *See, e.g.*, *Auto. Body Parts Ass'n v. Ford Glob. Techs., LLC*, No. 4:13-CV-705, 2015 WL 123852, at *6 (E.D. Tex. Jan. 7, 2015).

C. The Public Interest Factors Favor Transfer to the NDCA

1. The NDCA Has a Strong Local Interest

A district has a strong local interest if "the cause of action calls into question the work and reputation of several individuals residing in or near that district." *In re Hoffmann-La Roche Inc.*, 587 F.3d 1333, 1336 (Fed. Cir. 2008). For this factor, courts focus on where the accused functionality is "research[ed], design[ed], and develop[ed]." *In re Juniper*, 14 F.4th at 1320. Here, Google and many of the Google engineers who designed, developed, and now maintain the accused features of GFPS and Nearby Search are based in the NDCA. *See, e.g.*, *In re Samsung*, 2

F.4th 1371 at 1380 (finding a local interest in the case where "third parties [including Google] researched, designed, and developed most of [the accused] applications in Northern California").

In contrast, the EDTX has little, if any, local interest. The Asserted Patents list inventors from Florida and were originally assigned to the inventors' Florida company. SCT only formed six months before filing this lawsuit and its activities in this District appear limited to attempting to monetize the Asserted Patents. On similar facts in *Juniper*, the Federal Circuit refused to give any weight to a non-practicing plaintiff's office in the transferor forum, where the "activities of the office are largely tied to bringing lawsuits" and the office had only two employees, one of whom was an "attorney responsible for litigation." 14 F.4th at 1320. Likewise here, SCT's ephemeral, litigation-driven connection to the District does not give this District a local interest.

Finally, while SEA has an office in this District, SEA did not develop the accused technologies and does not have access to relevant design documents or relevant source code. SEA Decl. ¶¶ 11-13. Accordingly, SEA's "general presence in [this] district does not give th[e] district a special interest in the case." *E.g.*, *In re Google LLC*, 2021 WL 4592280, at *5 (directing transfer to the NDCA of cases, including a case filed against SEA and SEC).

2. The Remaining Public Interest Factors are Neutral

The Federal Circuit has long regarded the court congestion factor as "the most speculative." *In re Genentech*, 566 F.3d at 1347. Thus, while this District may have a shorter median time to trial than the NDCA, this should not weigh against transfer. *See In re Clarke*, 94 F.4th at 510 (recognizing such statistics are not "particularly relevant" in assessing court congestion). This factor is neutral. The last two factors also are neutral, as both the NDCA and this District are well versed in patent law and there is no prospect for any conflict of laws.

V. CONCLUSION

For the foregoing reasons, this action should be transferred to the NDCA.

[redacted]

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Respectfully submitted,

/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

Darin W. Snyder
dsnyder@omm.com
Luann L. Simmons
lsimmons@omm.com
Mark Liang (pro hac vice)
mliang@omm.com
Bill Trac
btrac@omm.com
Nathaniel I. Legum (pro hac vice)
nlegum@omm.com
Li Guo (pro hac vice)
lguo@omm.com
O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
San Francisco, CA 94111
Telephone: (415) 984-8700

Ryan K. Yagura (Tex. Bar No. 24075933)
ryagura@omm.com
Nicholas J. Whilt (pro hac vice)
nwhilt@omm.com
Xin-Yi Zhou (Tex. Bar No. 24127916)
vzhou@omm.com
Clarence A. Rowland (pro hac vice)
crowland@omm.com
Nancy L. Schroeder (pro hac vice)
nschroeder@omm.com
O'MELVENY & MYERS LLP
400 S. Hope Street
Los Angeles, CA 90071
Telephone: 213-430-6000

Jeffrey D. Baxter (Tex. Bar. No. 24006816)

jbaxter@omm.com
Frances Mackay (Tex. Bar. No. 24109494)
fmackay@omm.com
O'MELVENY & MYERS LLP
2801 North Harwood Street, Suite 1600
Dallas, TX 75201-2692
Telephone: (972) 360-1900

Kyla Butler (pro hac vice)
kbutler@omm.com
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
Telephone: (202) 383-5300

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

[redacted]

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(h), counsel for Defendants met and conferred with counsel for Plaintiff on March 5, 2025, and counsel for Plaintiff indicated that Plaintiff is opposed to the motion.

/s/ Mark Liang
Mark Liang

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on March 11, 2025, the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel registered as Filing Users.

/s/ Melissa R. Smith
Melissa R. Smith

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SCT Exhibit 2015
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