**UNITED STATES DISTRICT COURT**
**EASTERN DISTRICT OF TEXAS**
**MARSHALL DIVISION**

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|---|---|---|
| HANDSFREE LABS LICENSING, LLC, FAST IP, LLC, AND KIZIK DESIGN, LLC, | ) | |
| Plaintiffs, | ) | Civil Action No. 2:25-cv-00744-JRG |
| v. | ) | |
| SKECHERS U.S.A., INC., | ) | JURY TRIAL DEMANDED |
| Defendant. | ) | |

**DEFENDANT SKECHERS U.S.A., INC.'S MOTION TO TRANSFER VENUE TO THE CENTRAL DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1404(A)**

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## I. INTRODUCTION

This case, brought by Utah LLCs against a California-based shoe company, belongs in the Central District of California ("CDCA"). Since its founding over three decades ago, Defendant Skechers has been based in Manhattan Beach, CA. Skechers' headquarters in CDCA is and has always been the center of its operations. That is where the accused shoes were developed, where the witnesses most knowledgeable live and work, where nearly all of the relevant evidence is located or accessible, and where the local interests in this case are clearly strongest. In addition, multiple third-party witnesses reside in CDCA, reachable only by that court's subpoena power.

Conversely, there do not appear to be any material witnesses or documents located in the Eastern District of Texas ("EDTX"). Plaintiffs HandsFree Labs Licensing, FAST IP, and Kizik Design (collectively, "Plaintiffs") are based in Utah and appear to have no EDTX presence or operations. Likewise, Skechers' EDTX operations are limited to just a few retail outlets that have no connection to product development and are not distinct from other Skechers retail stores in states throughout the country. No material evidence appears to be located in EDTX, nor any witnesses likely to attend trial. CDCA is plainly a more convenient venue for this litigation.

## II. FACTUAL BACKGROUND

### A. Skechers and the Accused Products

Since its founding in 1992, Skechers has been headquartered in Manhattan Beach, CA. *See* Declaration of Kathy Kartalis ("Kartalis Decl.") ¶ 4. Skechers' management is based there, as are the designers, product technicians, merchandisers, and other employees responsible for Skechers' product development, marketing, and distribution. *Id.* ¶ 5. CDCA is also home to Skechers' 2.6 million square foot North America distribution center (which fulfills all orders throughout the United States), as well as the ports of entry through which Skechers shoes are imported. *Id.* ¶ 6.

The Complaint defines "Accused Products" as "Skechers Hands Free Slip-ins" shoes, listing at least 94 variants thereof. Dkt. 1, Complaint ¶¶ 18-19 & n.4. The Accused Products were designed by Skechers at its headquarters in Manhattan Beach, CA. *See* Kartalis Decl. ¶ 8.

Skechers thus expects that multiple witnesses from its Manhattan Beach headquarters will be called to testify at trial. For example, Skechers has already identified 18 specific Skechers employees, who all live and work in CDCA, as having particular knowledge relevant to this case:

- **Marc Rosko**, VP of Product Development, led the team (the Boys Division) that developed the first Skechers Slip-ins prototype. Of note, Mr. Rosko is presently recovering from recent open-heart surgery, making travel unduly burdensome for him.
- **Scott Kelley**, Senior Director of Design, played a central role in creating the first Skechers Slip-ins prototype. He leads the design efforts in Skechers' children's lines.
- **Kathy Kartalis**, Senior VP of Global Product, oversaw aspects of the production, manufacturing, testing, and commercialization of the Accused Products, including for example the Accused Products' heel cup, which Plaintiffs accuse of infringement.
- **Max Weeks**, VP of Design, is one of the primary designers of the Accused Products. He led the design of the Accused Products' heel cup, as well as other elements of specific Accused Product lines (e.g., Ultra Flex, Max Cushioning, and Arch Fit styles).
- **Xenia Liao**, Senior Director of Technical Development, was a key technician in developing the Accused Products' heel cup, and was the lead technician for specific Accused Product lines (e.g., Arch Fit, Ultra Flex, Glide Step Pro, Summits, D'Lites).
- **Jason MacMaster**, VP of Product Development and Merchandising, leads the team responsible for the development of multiple Accused Product lines (e.g., BOBS Squad Chaos, BOBS Sport B Love, BOBS Sport Arc Waves, and other BOBS styles).

- **Jung (Mickey) Kim**, Senior Director of Design, worked on concept and functional designs for multiple Accused Products, including technical illustrations, uppers, outsoles, and manufacturing instructions, and is part of Jason MacMaster's team.
- **Caron Kort**, Senior Director of Product Development and Merchandising, is knowledgeable about the merchandising, design, development, and sales of multiple Accused Products, and is part of Jason MacMaster's team.
- **Mandy DiMiero**, VP of Product Development and Merchandising, leads the Women's Sport Division, which commercially launched the first Slip-in product, the Ultra Flex. Ms. DiMiero also worked on product development and merchandising for multiple specific Accused Product lines (e.g., Arch Fit, Summits, Glide Step Pro, and D'Lites).
- **Jenny Kushida**, Senior Director of Product Development and Merchandising, was on Ms. DiMiero's team during the development and commercialization of Skechers Slip-ins, and is knowledgeable about the development of multiple Accused Products.
- **David Goldman**, VP of Product Development and Merchandising, leads design and merchandising in Skechers' Boys Division, where the first Slip-in was developed. Mr. Goldman also oversaw development of children's versions of multiple particular Accused Products (e.g., Max Cushioning, Ultra Flex, Glide Step Pro, and Summits).
- **Abel Casas**, Senior Director of Technical Development, was key to the development of multiple features in Skechers Slip-ins, including the Ultra Flex line, and works with Skechers' development teams to translate new designs into completed products.
- **Frank Chuang**, VP of Product Development and Commercialization, leads teams that were responsible for the technical product development of multiple aspects of the Accused Products, including materials selection and product testing for the heel cup.

- **Lauren Koval**, VP of Product Development and Merchandising, leads the Skechers Girls Division and oversaw development of children's versions of multiple Accused Product lines (e.g., Max Cushioning, Ultra Flex, Glide Step Pro, Summits, and D'Lites).
- **Cody Petersen**, Senior Director of Girls Footwear Design, is part of Lauren Koval's team and was involved in developing multiple Accused Products in the Girls Division.
- **Ken March**, VP of Product Development and Merchandising, leads the Men's Sport Division and managed production of multiple Accused Products in that division.
- **Savva Tetriatnikov**, VP of Design, is knowledgeable about the initial experimental and exploratory work on Skechers Slip-ins, and worked on the accused Summits line.
- **Ing Tran**, Technical Manager, is the technician responsible for Skechers' BOBS lines and is knowledgeable about the technical development of multiple Accused Products.

Furthermore, the relevant Skechers sources of proof (*e.g.*, documents and things) relating to the design, development, marketing, and distribution of, and financial accounting regarding, the Accused Products are located in or near, and/or are accessed from, CDCA. *Id.* ¶ 11. For example:

- Hardcopy documents and physical evidence such as technical notes, sketchbooks, and prototype shoes and components, are located in Manhattan Beach, CA. *Id.* ¶¶ 12-13.
- Digital documents relating to product specifications, marketing, inventory, distribution, and sales are stored in a Skechers data center located in Los Angeles, CA. *Id.* ¶ 14.
- Digital design documents, such as CADs, test results, and manufacturing instructions (tech packs), are stored on third-party servers that are located in Northern California and are accessed by Skechers from its headquarters in Manhattan Beach, CA. *Id.* ¶ 15.
- Skechers emails are stored on third-party servers that are located in Redmond, WA, and are accessed by Skechers from its headquarters in Manhattan Beach, CA. *Id.* ¶ 16.

- Skechers financial data is stored on third-party servers that are located in Phoenix, AZ, and is accessed by Skechers from its headquarters in Manhattan Beach, CA. *Id.* ¶ 17.

The foregoing sources of proof are all maintained and accessed by Skechers employees in Manhattan Beach, CA. *Id.* ¶ 8. Skechers does not have any employees in EDTX who are responsible for, or have access to, such sources of proof. *Id.* ¶ 18. Skechers retail employees do not have the ability to access any of the sources of proof discussed above. *Id.* ¶ 19.

**B. <u>Plaintiffs and the Asserted Patents</u>**

Plaintiffs are three Utah LLCs headquartered at the same address in Lindon, Utah. *See* Dkt. 1, Complaint ¶¶ 9-11. The six Asserted Patents together name three inventors (Michael Pratt, Craig Cheney, and Steve Hermann), each of whom the patents list as living in Utah. *See* Dkt. 1-3 to 1-8. The Complaint does not allege any connection whatsoever between Plaintiffs and EDTX.

However, Plaintiffs do have ties to CDCA. Skechers has identified multiple high-ranking employees of Plaintiffs, each with LinkedIn profiles stating that they live in CDCA, who appear to be knowledgeable about Plaintiffs' alleged innovations and Plaintiffs' products the Complaint suggests practice the Asserted Patents. *See* Dkt. 1, Complaint ¶¶ 4 & 7. For example:

- **Gretchen Weimer**, Kizik's Chief Product & Merchandising Officer, appears to oversee product development and sales. She also appears to be knowledgeable about Plaintiffs' patents. *See* Ex. 1 at 3 (Ms. Weimer quoted as stating that Plaintiffs' "patents are changing the way people experience footwear.").[1] Ms. Weimer's LinkedIn lists her location as "Santa Barbara, California," which is in CDCA. Ex. 2 at 1.
- **Morgan Keldsen**, Kizik's Chief International Officer, appears to oversee Plaintiffs' sales and licensing practices, and also appears knowledgeable about Plaintiffs' patents.

[1] Numbered Exhibits are to the Declaration of Aron Berger filed concurrently herewith.

*See* Ex. 3 at 3 (article re Mr. Keldsen discussing Plaintiffs' "patents" on "hands-free technologies"); https://vimeo.com/1035429249 at 3:30 (discussing Plaintiffs' patents). Mr. Keldsen's LinkedIn lists his location as "Los Angeles, California." Ex. 4 at 1.

- **Danielle Prager**, Kizik's Director of Public Relations and Events, appears to oversee marketing and the organizing of public events (including events in CDCA). She has also appeared on television discussing Plaintiffs patents and products. Exs. 5 at 1-2, 6 at 1. Ms. Prager's LinkedIn lists "Los Angeles, California" as her location. Ex. 7 at 1.

The testimony of the foregoing witnesses will be relevant to matters including damages, the prior art, and objective indicia of non-obviousness. Each is subject to the court's subpoena power in CDCA and could be compelled to testify there if called by Skechers adversely at trial.

### C. Third-Party Witnesses

Skechers has also identified ten third-party witnesses within the subpoena power of CDCA. For example, **Teresa Wong**, a former Skechers Senior Product Manager who worked at Skechers from September 2019 through March 2024, was deeply involved in developing the Ultra Flex, the first commercially-released Skechers Slip-in model. *See* Kartalis Decl. ¶ 10; Dkt. 1, Complaint ¶ 18 (accusing "Skechers Ultra Flex"). As the only Product Manager for that project, Ms. Wong has unique and highly-relevant knowledge. Kartalis Decl. ¶ 10. Ms. Wong's LinkedIn says she now works at "adidas" in "Los Angeles, California" and lives in "Bellflower, California." Ex. 8 at 1.

For further examples, at least nine prior art inventors appear to be located within 100 miles of CDCA's First Street Courthouse, including inventors of references cited in the Asserted Patents:

- U.S. 5,946,825, cited in at least Asserted Patent U.S. 12,274,325 ("the '325 Patent") Dkt. 1-4 at 2), names inventor **Kannae H. Koh** of Venice, CA (Ex. 9 at 1).
- U.S. 5,430,961, cited in at least the '325 Patent (Dkt. 1-4 at 2), names inventors **Mark**

**Faulconer** of Newport Beach, CA, and **Tom Bowan** of Costa Mesa, CA (Ex. 10 at 1).

- U.S. App. 2008/0313929, cited in at least the '325 Patent (Dkt. 1-4 at 2), names inventor **David Hoyt** of Gardena, CA (Ex. 11 at 1).
- U.S. App. 2014/0259781, cited in at least the '325 Patent (Dkt. 1-4 at 2), names inventor **Kurtis Tomatsu Sakai** of Ojai, CA (Ex. 12 at 1).
- U.S. App. 2002/0174568, cited in at least the '325 Patent (Dkt. 1-4 at 2), names inventor **Roger Neiley** of Laguna Beach, CA (Ex. 13 at 1).
- U.S. App. 2020/0046066, cited in at least the '325 Patent (Dkt. 1-4 at 2), names inventor **Joseph DiFranscisco** of San Diego, CA (Ex. 14 at 1).
- U.S. D801,646, cited in at least Asserted Patent U.S. D1,038,607 (Dkt. 1-7 at 2), names inventors **Jennifer Townsend** and **Gregory Townsend** of Carlsbad, CA (Ex. 15 at 1).

## III. LEGAL STANDARD

Transfer pursuant to 28 U.S.C. § 1404(a) is proper if the claims "might have been brought in the destination venue" and the transferee venue is a "clearly more convenient" venue. *In re Volkswagen Am., Inc*., 545 F.3d 304, 312, 315 (5th Cir. 2008) ("*Volkswagen II*"). Convenience is evaluated using "the Fifth Circuit's non-exhaustive list of private and public interest factors." *Unicorn Energy GMBH v. Tesla, Inc*., 2:20-cv-338-JRG, 2021 WL 4034515, at *1 (E.D. Tex. Sept. 3, 2021). The private-interest factors include: (1) the relative ease of access to sources of proof; (2) the availability of compulsory process to secure witness attendance; (3) the cost of attendance for willing witnesses; and (4) all other practical problems that make trial easy, expeditious and inexpensive. *Id*. The public-interest factors include: (1) administrative difficulties from court congestion; (2) the local interest in having localized interests decided at home; (3) familiarity of the forum with governing law; and (4) avoidance of unnecessary conflict of laws problems. *Id*.

## IV. ARGUMENT

### A. This Action Could Have Been Brought In CDCA

Skechers is headquartered in Manhattan Beach, CA. Venue is clearly proper in CDCA.

### B. All Private-Interest Factors Favor Transfer

#### 1. The Relevant Evidence Is Concentrated In CDCA

"The first private interest factor this Court analyzes is the relative ease of access to sources of proof, including documentary and other physical evidence." *Farmobile LLC v. Farmers Edge Inc.*, No. 2:21-CV-411-JRG, 2022 WL 2653893, at *2 (E.D. Tex. July 7, 2022). "In considering the relative ease of access to sources of proof, a court looks to determine where evidence, such as documents and physical evidence, is stored." *Jawbone Innovs., LLC v. Amazon.Com, Inc.*, No. 2:21-cv-00435-JRG, Dkt. 60 at 5 (E.D. Tex. Sept. 21, 2022). "As the Federal Circuit has noted, 'the bulk of the relevant evidence usually comes from the accused infringer.'" *Id.* at 6 (quoting *In re Genentech, Inc.*, 566 F.3d 1338, 1345 (Fed. Cir. 2009)). Thus, "the place where the defendant's documents are kept ordinarily does weigh in favor of transfer to that location." *Uniloc 2017 LLC v. Google LLC*, No. 2:18-cv-504-JRG-RSP, 2020 WL 3064460, at *3 (E.D. Tex. June 8, 2020). Here, the relevant evidence is clearly concentrated in CDCA, not in EDTX.

First, hardcopy documents such as technical notes and sketchbooks, and physical evidence like prototype shoes and components, are located in Manhattan Beach. Kartalis Decl. ¶¶ 12-13. The Accused Products were designed at Skechers headquarters in Manhattan Beach, CA, where the designers, product technicians, merchandisers, and other employees responsible for Skechers product development work. *Id.* ¶ 8. Many employees do their initial design work in hardcopy, such as in notebooks and sketchbooks, and those custodians maintain such hardcopy documents at their offices in Manhattan Beach, CA. *Id.* ¶ 12. Their work also includes use of physical prototype shoes and components, which are maintained by custodians in Manhattan Beach. *Id.* ¶ 13.

Second, much of the relevant digital evidence in this case is physically stored in CDCA. Skechers maintains its own data center on servers that are located in Los Angeles, CA. *Id.* ¶ 14. Skechers stores numerous digital documents in its Los Angeles data center, including, for example, digital documents relating to product specifications, marketing, inventory, distribution, and sales of the Accused Products. *Id*. Further, in addition to being physically stored in CDCA, such documents are accessed by Skechers from its headquarters in Manhattan Beach, CA. *Id.* ¶ 8.

Third, any additional Skechers digital documents not stored in its Los Angeles data center are stored on third-party servers that are both closer to CDCA than EDTX and are accessed by Skechers from Manhattan Beach, CA. *Id.* ¶¶ 15-17. For example, digital design documents, such as CADs, test results, and manufacturing instructions (tech packs), are stored on third-party servers located in Northern California (*id.* ¶ 15), Skechers emails are stored on third-party servers located in Redmond, WA (*id.* ¶ 16), and Skechers financial data is stored on third-party servers located in Phoenix, AZ (*id.* ¶ 17). Northern California, Redmond, WA, and Phoenix, AZ, are all significantly closer to CDCA than to EDTX. *See Lifestyle Sols., Inc. v. Abbyson Living LLC*, No. 216CV01290-JRG-RSP, 2017 WL 5257006, at *3 (E.D. Tex. Nov. 10, 2017) ("[T]his factor weighs in favor of transfer. Defendants' documents are in Central California …. And to the extent any relevant documents of Updike are at its Phoenix headquarters, those documents are significantly closer to Central California than this District."). Beyond server locations, such documents were created by, and are accessed and maintained by, Skechers custodians who work at its headquarters in Manhattan Beach, CA. Kartalis Decl. ¶ 8; *see In re Google LLC*, 2021 WL 5292267, at *2 (Fed. Cir. Nov. 15, 2021) ("The district court erred by analyzing only the location of servers where documents are stored, rather than also considering the location of document custodians and location where documents are created and maintained, which may bear on the ease of retrieval.")

Employees at Skechers retail locations do not have access to the sources of proof discussed above. *See* Kartalis Decl. ¶ 19. Moreover, Plaintiffs' documents are likely stored at their Utah headquarters, which is also closer to CDCA than to EDTX. "Given that the majority of the sources of proof are either located in or near [CDCA], and none have been identified in EDTX, the Court [should] conclude[] that this factor favors transfer." *Farmobile*, No. 2:21-CV-411-JRG, 2022 WL 2653893, at *3; *see also Jawbone*, No. 2:21-cv-00435-JRG, Dkt. 60 at 5-7 (similar).

**2. CDCA Has Subpoena Power Over Multiple Third-Party Witnesses and Multiple Potentially Unwilling Party Witnesses**

"This factor instructs the Court to consider the availability of compulsory process to secure the attendance of witnesses, particularly non-party witnesses whose attendance may need to be secured by a court order." *Endo Pharms. Inc. v. Lupin Atlantis Holdings SA*, No. 2:17-cv-00558-JRG, 2018 WL 11474182, at *5 (E.D. Tex. May 30, 2018). A district court has subpoena power over (1) "witnesses that live or work within 100 miles of the courthouse," and (2) "over residents of the state in which the district court sits—a party or a party's officer that lives or works in the state can be compelled to attend trial, and non-party residents can be similarly compelled as long as their attendance would not result in 'substantial expense.'" *Id.* (citing Fed. R. Civ. P. 45(c)(1)). This factor favors transfer, as Skechers has identified at least ten non-party witnesses, and also at least three potentially unwilling party witnesses, who reside within the subpoena power of CDCA.

First, Teresa Wong, a former Skechers Senior Product Manager, has unique knowledge highly-relevant to the case. Ms. Wong, who worked at Skechers from 2019 until March 2024, was the sole Product Manager who worked on development of the Ultra Flex, the first commercially-released Slip-in model. *See* Kartalis Decl. ¶ 10; Dkt. 1, Complaint ¶ 18 (accusing the "Ultra Flex"). She now works at "adidas" in "Los Angeles, California" and lives in "Bellflower, California." Ex. 8 at 1. Ms. Wong is a critical third-party witness, subject only to CDCA's subpoena power.

Second, as discussed above, at least nine prior art inventors appear to be located within 100 miles of CDCA's First Street Courthouse, including inventors named in references cited in the Asserted Patents. *See* Part II.C, *supra*. As the Federal Circuit has noted, the fact that these "prior art witnesses directly relate[] to prior art that was specifically mentioned in the asserted patents themselves, heighten[s] their potential relevance." *In re Hulu, LLC*, 2021 WL 3278194, at *3 (Fed. Cir. Aug. 2, 2021). For example, Mr. Koh of Venice, CA, is an inventor of U.S. 5,946,825 ("Koh"), which was discussed at length during prosecution of Asserted Patent U.S. 12,274,325 ("the '325 Patent"). The Examiner rejected claims while finding that "Koh teaches a shoe having a foam liner" having the claimed features. Ex. 16 at 9-10. The Applicant then discussed Koh in an Examiner interview, making arguments and proposing amendments seeking to distinguish Koh. Ex. 17 at 4-7. The Applicant then further provided a written response, with more amendments and arguments regarding Koh. Ex. 18 at 2, 7, 15-17. A Notice of Allowance then followed, with the Examiner citing the interview and written response as the sole reasons for allowance. Ex. 19 at 7. The prosecution history addressing Koh could very well amount to a disclaimer of claim scope. Mr. Koh's testimony is thus relevant not only to invalidity, but also infringement and damages.

Third, Skechers has identified at least three high-ranking employees of Plaintiffs, with LinkedIn profiles saying they live in CDCA, who appear knowledgeable about Plaintiffs' alleged inventions and Plaintiffs' products they suggest practice the Asserted Patents. *See* Part II.B, *supra*. This includes (1) Gretchen Weimer, Kizik's Chief Product & Merchandising Officer, (2) Morgan Keldsen, Kizik's Chief International Officer, and (3) Danielle Prager, Kizik's Director of Public Relations and Events. *See* Exs. 1-7. Testimony of these witnesses will be relevant to matters such as damages, the prior art, and objective indicia of non-obviousness. Each is subject to CDCA's subpoena power and could be compelled to testify if called adversely at trial.

In sum, only CDCA can compel the thirteen witnesses discussed above to testify at trial. This factor thus favors transfer. *See Jawbone*, No. 2:21-cv-00435-JRG, Dkt. 60 at 11-12 ("weighs in favor of transfer" where "fourteen third-party witnesses" live in transferee venue); *Farmobile*, 2022 WL 2653893, at *4 ("favors transfer" where "four former employees" live in transferee venue); *Endo*, 2018 WL 11474182, at *5 ("weighs slightly in favor of transfer" with "four named inventors" in transferee venue and "one non-party witness" in EDTX); *Digital Broad. Soln's, LLC ["DBS"] v. DISH Network LLC*, No. 2:22-cv-335-JRG, Dkt. 48 at 11 (E.D. Tex. June 21, 2023) ("weighs slightly in favor of transfer" where "seven witnesses … reside in Colorado," including "a co-inventor on one of DISH's prior art patents," but "there are some testers that reside in Texas").

**3. CDCA Is Significantly More Convenient For Willing Witnesses**

"Private-interest factor three, which focuses on the 'cost of attendance for willing witnesses,' 'is probably the single most important factor in transfer analysis.'" *SQIP, LLC v. Cambria Co., LLC*, 728 F. Supp. 3d 447, 455 (E.D. Tex. 2024) (quoting *Volkswagen II*, 545 F.3d at 315; *Genentech*, 566 F.3d at 1343). Cost of attendance "increases in direct relationship to the additional distance,'" as it "means additional travel, meal, and lodging costs, as well as additional time away from the witnesses' regular employment." *Id.* This factor strongly favors transfer.

First, the Accused Products were designed in Manhattan Beach, CA, where Skechers has been headquartered for over 33 years. Kartalis Decl. ¶¶ 4, 8. As such, multiple Skechers witnesses from CDCA will likely testify at trial. For example, Skechers has already identified ***18 employees***, who live and work in CDCA, with particular knowledge relevant to this case. *See* Part II.A, *supra*. The flying distance between Los Angeles, California and Marshall, Texas is almost ***1,400 miles***. *See* Ex. 20. In contrast, these witnesses would not need to travel to attend trial at home in CDCA.

Skechers also notes the unique situation of Marc Rosko, VP of Product Development, who led the team that developed the first Skechers Slip-ins prototype. *See* Kartalis Decl. ¶ 9. Mr.

Rosko underwent ***open heart surgery*** roughly four months ago. *Id*. It would be plainly unreasonable to expect someone recovering from life-threatening surgery to travel. Mr. Rosko, a critical witness, should have the opportunity to attend trial in CDCA where he resides.

Second, Plaintiffs are three Utah LLCs headquartered in Lindon, Utah, and the Complaint does not allege any connection between Plaintiffs and EDTX. *See* Dkt. 1, Complaint ¶¶ 9-11. Most of Plaintiffs' witnesses thus appear to live and work in or near Lindon, Utah. Among others, this includes the three inventors (Michael Pratt, Craig Cheney, and Steve Hermann) collectively named on the six Asserted Patents, each of whom the patents list as living in Utah. *See* Dkts. 1-3 to 1-8. A flight from Lindon, Utah to Marshall, Texas is over ***1,000 miles*** (*see* Ex. 21), whereas Lindon, Utah to Los Angeles, California is around half that at roughly ***575 miles*** (*see* Ex. 22).

Third, as discussed in the prior section, at least three high-ranking, relevant employees of Plaintiffs (Gretchen Weimer, Morgan Keldsen, and Danielle Prager) live in CDCA. Skechers addressed these witnesses for factor two above because (a) it is unknown if Plaintiffs will produce them at trial if called adversely, and (b) if unwilling, only CDCA can compel their attendance. *See* Part IV.B.2, *supra*. However, if Plaintiffs contend that they are willing, their presence in CDCA will still favor transfer under factor three, as it is clearly "more convenient for witnesses to testify at home" (*Volkswagen II*, 545 F.3d at 317) than to travel almost ***1,400 miles*** to EDTX (Ex. 20).

"Because a substantial number of material witnesses reside within the transferee venue and the state of California, and no witnesses reside within the Eastern District of Texas," this factor "weigh[s] substantially in favor of transfer." *Genentech*, 566 F.3d at 1345; *see Endo*, 2018 WL 11474182, at *6 (even "two party witnesses" in transferee venue "favors transfer").

**4. Judicial Economy Favors Transfer**

"The fourth private interest factor addresses concerns rationally based on judicial economy." *Farmobile*, No. 2:21-CV-411-JRG, 2022 WL 2653893, at *5. It favors transfer here.

First, this case is still in its infancy, before even the initial scheduling conference. *Id.* (even where "claim construction" was "months away," the "early stage of this case … favors transfer").

Second, transfer would promote judicial economy, as CDCA is already familiar with the Accused Products. A transferee court's familiarity with "similar issues" may "weigh in favor of transfer" even if "precisely the same issues are not pending." *Cellspin Soft, Inc. v. Nike, Inc.*, No. 2:22-cv-0455-JRG-RSP, 2023 WL 6280260, at *4 (E.D. Tex. Sept. 26, 2023). Of relevance here, the Honorable André Birotte Jr. currently presides over *Nike, Inc. v. Skechers U.S.A., Inc.*, No. 2:23-cv-09346 (filed Nov. 8, 2023), where Nike has accused many of the same Accused Products, including many of the same allegedly "infringing features" of Slip-ins. *See* Ex. 21 at 4-5 (Nike accusing Ultra Flex, Max Cushioning, Arch Fit, GO WALK, and others based on their "Engineered knit upper"); *see also* Dkt. 1, Complaint ¶ 18 (accusing same). Judge Birotte's familiarity with the Accused Products will make adjudication of this case easier, more expeditious, and less expensive.

### C. <u>All Public-Interest Factors Favor Transfer or Are Neutral</u>

#### 1. CDCA Has A Strong Local Interest In This Case

The local interest factor concerns the "significant connections between a particular venue and *the events that gave rise to a suit*." *In re Apple*, 979 F.3d 1332, 1345 (Fed. Cir. 2020) (quoting *In re Acer Am. Corp.*, 626 F.3d 1252, 1256 (Fed. Cir. 2010)). This factor strongly favors transfer.

This is a case against a California-based shoe company, filed by Utah Plaintiffs, in a Texas court. Here, "*the events that gave rise to a suit*" occurred in CDCA. *In re Apple*, 979 F.3d at 1345. The Accused Products were "designed, developed, and tested" (*id.*) in Manhattan Beach, CA, where Skechers has been headquartered for 33 years since its founding, and where its employees responsible for product development live and work. *See* Kartalis Decl. ¶¶ 4, 8. The lawsuit also "calls into question the work and reputation" of these residents. *In re Hoffmann-La Roche Inc.*, 587 F.3d 1333, 1336 (Fed. Cir. 2009). Indeed, Plaintiffs have accused Skechers of "shamelessly

copying," "misappropriat[ing]," and "Skecherizing" Plaintiffs' patents, even singling out "Skechers Founder and CEO Robert Greenberg," who lives and works in CDCA. Dkt. 1, Complaint ¶¶ 1-7.

Moreover, in addition to being designed in CDCA, the Accused Products are imported into the US through CDCA ports, then shipped nationwide from Skechers' North America distribution center in CDCA. Kartalis Decl. ¶ 6; *see Lifestyle Sols.*, 2017 WL 5257006, at *5 ("weighs in favor of transfer" where the "accused products are stored and distributed from that district").

In contrast, "there is no apparent connection between this case and the Eastern District of Texas except for the fact that the accused products are sold there." *In re Toa Techs., Inc.*, 543 Fed. Appx. 1006, 1009 (Fed. Cir. 2013) (ordering transfer to N.D. Ohio, where "TOA continues to be headquartered"). It is well-settled that the "sale of an accused product offered nationwide does not give rise to a substantial interest in any single venue." *In re Samsung Elecs. Co., Ltd.*, 2 F.4th 1371, 1380 (Fed. Cir. 2021) (quoting *In re Hoffmann-La Roche*, 587 F.3d at 1338).

### 2. The Remaining Public-Interest Factors Are Neutral

Court congestion is the "most speculative" factor. *Genentech*, 566 F.3d at 1347. Statistics published in June indicate CDCA is faster to disposition (3.9 vs. 7.1 months in EDTX), has fewer pending cases per judge (520 vs. 847), and has a similar median time to trial (26.5 vs. 25.1 months). *See* Ex. 24 at 1-2. With these marginal differences, this factor is neutral. *Hulu*, 2021 WL 3278194, at *5 ("close similarity of cases per judgeship and average time to trial . . . is neutral").

The familiarity with governing law and avoidance of conflict of laws factors are generally neutral in patent cases. *See Uniloc*, 2020 WL 3064460, at *6 ("[B]oth districts are familiar with and can apply the same federal patent laws."). The Court should find these factors neutral as well.

## V. CONCLUSION

As five private- and public-interest factors favor transfer, and the three others are neutral, Skechers respectfully requests that the Court transfer this case to the Central District of California.

Respectfully submitted,

Dated: October 27, 2025

By: */s/ Jennifer Truelove*

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## CERTIFICATE OF CONFERENCE

The undersigned certifies that, on October 24, 2025, Counsel for Defendant Skechers U.S.A., Inc. met and conferred with Counsel for Plaintiffs Handsfree Labs Licensing, LLC, Fast IP, LLC, and Kizik Design, LLC concerning Defendant's Motion to Transfer Venue to the Central District of California Pursuant to 28 U.S.C. § 1404(a). The parties were unable to reach agreement as to the relief sought in the instant motion. As such, discussions have conclusively ended in an impasse, leaving an open issue for the court to resolve.

*/s/ Aron Berger*
Aron Berger

## CERTIFICATE OF SERVICE

A true and correct copy of the foregoing instrument was served or delivered electronically via email, to all counsel of record, on October 27, 2025.

*/s/ Jennifer Truelove*
Jennifer Truelove