

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

ZoomEssence, Inc.,

Plaintiff,

v.

McCormick & Company, Inc.,
FONA International, LLC, and
FONA Technologies, LLC,

Defendants.

Case No. 2:25-cv-1240-JRG

JURY TRIAL DEMANDED

PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO TRANSFER

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PRELIMINARY STATEMENT

Defendants' motion should be denied because it does not establish that the Northern District of Illinois is a proper venue or one that is clearly more convenient than this District. To begin, Defendants make no showing that the case could have been brought against McCormick in Illinois. That is dispositive.

As for convenience, Defendants begin with the premise that this case is about a single technology and move from there to unsupported assertions about the relevant sources of proof. But that is not the case that ZoomEssence pleaded—the claims are directed at no fewer than six encapsulation technologies, *see, e.g.*, Dkt. 70 at 1–3.¹ And the facts adduced in venue discovery show that none of the disputes over those technologies centers on Illinois-based witnesses or documents. Those facts also belie Defendants’ asserted belief (despite conceding patent venue in this District) that no “relevant witnesses or sources of proof [are] located in Texas,” Mot. 1. Even

[REDACTED]—Stubb’s® BBQ seasonings—is made and distributed by a McCormick subsidiary based in Austin. And while Defendants try to dismiss their Flavor Solutions’ division’s massive Irving, Texas facility as irrelevant, their lone declarant (and witness) testified [REDACTED]

On the convenience factors, venue discovery reveals that while the initial development of at least one accused technology was once focused in Illinois, the individuals responsible for that work have departed the company—the key witness from that timeframe is now the CEO of a

¹ The Motion addresses only the original Complaint, not the operative FAC, ECF 34 (“Am. Compl.”). The FAC plainly alleges that Defendants misused trade secrets broadly across their spray-dry technologies, *see, e.g., id.* ¶ 230, yet the Motion addresses only TrueTaste® and the evidence assertedly related to that technology.

[REDACTED]

Connecticut company. And all technologies at issue (and their sources of proof) have been intentionally dispersed nationwide—after McCormick acquired FONA in 2020, its CEO [REDACTED]

[REDACTED]

[REDACTED] It is thus no coincidence that, as shown in venue discovery, the relevant witnesses and evidence will come from several pockets of the country, with key sources of proof in Maryland (Defendants’ headquarters), Connecticut, Ohio, Kentucky, Tennessee, Louisiana, and Texas:

- The person most knowledgeable about Defendants’ technologies, Dr. Robert Sobel, now lives and works in Connecticut—he is now the CEO of a Danbury-based company.
- McCormick’s Hunt Valley, Maryland headquarters—700 miles from the Northern District of Illinois—[REDACTED]
[REDACTED]—a key contested issue.
- Key documents and witnesses will come from Austin, Texas, home of Stubb’s® BBQ seasonings.
- Defendants’ commercialization and supply chain activities—all relevant to trade secret misappropriation and damages—are scattered across the country, including in Texas, Maryland, Illinois, Georgia, New Jersey, and Louisiana.
- ZoomEssence’s operations are centered in Kentucky and New Jersey.

The Illinois-based evidence is modest. The ESI once in Illinois has, according to Defendants, [REDACTED]

[REDACTED] And the three current-employee potential witnesses identified by Defendants have limited or no relevant knowledge. Defendants therefore cannot meet their burden to show that the Northern District of Illinois is “clearly more convenient” than the Eastern District of Texas—a showing that requires significant, non-speculative convenience gains, not a rough balance of activity inside and outside Texas.

FACTUAL BACKGROUND

ZoomEssence alleges that Defendants infringed two patents and misappropriated trade secrets concerning its “Zooming Technology,” incorporated that technology into spray-dried powders, encapsulation methods and technologies, and related products, and commercialized them through McCormick’s Flavor Solutions division. The claims concern where those technologies were developed, adapted, commercialized, marketed, and supported—not merely where one product was manufactured—and allege worldwide harm and unjust enrichment. *E.g.*, Am. Compl. ¶¶ 6–14, 139–41, 217–31.

Witnesses and evidence relevant to the dispute are broadly dispersed. For example:

- ZoomEssence co-founder and named inventor Dr. Charles Beetz is in Hebron, Kentucky. *Id.* ¶¶ 33–34; Mot. 7.
- McCormick is a Maryland corporation headquartered in Hunt Valley. Am. Compl. ¶ 34.
- Defendants develop and manufacture the accused technology across a global supply chain, the epicenter of which is in Hunt Valley—home to Defendants’ headquarters and Technical Innovation Center. *E.g.*, Ex. 2 at 20.
- Dr. Robert Sobel, the person most knowledgeable about developing the accused technologies, lives and works in Connecticut (equally inconvenient to both Marshall and Chicago), and Defendants’ venue deponent did not know how many relevant hard-copy documents he had with him in Connecticut. Ex. 1, Szymczak Tr. 27:5–18, 67:12–21, 201:5–202:18.
- Chin-Ping Su, next most knowledgeable about development, also departed the company, and Defendants’ venue witness could not provide any information about his whereabouts, employment status, hard-copy documents (she is aware of none left behind at FONA), or discoverable information. *Id.* 67:22–68:19.
- Defendants’ [REDACTED] team—[REDACTED] is in Hunt Valley, Maryland. *Id.* 14:18–15:4, 15:15–16:19.
- A supply-chain group responsible for commercialization of Defendants’ accused technologies [REDACTED] *Id.* 62:16–65:7, 159:15–160:6.

- [REDACTED]
- Hunt Valley, Maryland-based personnel include [REDACTED]
[REDACTED] *Id.* 137:12–22, 138:6–8, 156:22–157:11.
 - McCormick employee [REDACTED]
[REDACTED] *Id.* 246:20–247:4, 247:25–248:16.
 - Defendants have not identified where witnesses and documents concerning brands that use the accused technologies are located, including the Stubb’s® brand, which has significant Texas ties, *see infra.*, and Zatarain’s®, based at McCormick’s Gretna, Louisiana facility. Ex. 3; Ex. 2 at 20.
 - Electronic evidence is also dispersed. [REDACTED]
[REDACTED] Ex. 1, Szymczak Tr. 170:17–171:15.

The nationwide dispersion is no accident. After McCormick acquired FONA in 2020, its CEO directed [REDACTED]

Id. 155:2–16, 215:21–216:8.

Defendants’ lone declarant and witness, Dr. Szymczak, has limited knowledge of the accused technologies— [REDACTED] *Id.* 8:14–9:19. She also had limited knowledge of what activities transpired at Defendants’ various locations across the country. *Id.* 252:2–253:9.

Commercial activity is also worldwide. Defendants have identified [REDACTED] spray-dried products sold, or incorporated into products sold, throughout the United States and abroad. *See* ECF 65. Even TrueTaste®-branded products alone have been sold to [REDACTED].

Ex. 1, Szymczak Tr. 93:13–94:16. Defendants also held what they call a [REDACTED]

[REDACTED]

[REDACTED] *Id.* 179:17–23, 198:19–199:14. The Stubb’s® seasoning rub brand, which McCormick identifies as using TrueTaste®, belongs to its Austin,

Texas subsidiary One World Foods, Inc. Ex. 2 at 20, Exhibit 21; Ex. 4. And McCormick's Zatarain's® brand is based in Gretna, Louisiana. Ex. 3; Ex. 2 at 20, Exhibit 21.²

ZoomEssence is based in Kentucky and has operations in New Jersey. ECF 33 at 7; Ex. 5, Hardek Tr. at 13:21–14:19, 18:18–19:4. Dr. Beetz, one inventor on the asserted patents, lives in Kentucky, while another co-inventor David Salem lives in South Dakota. ECF 33 at 7.

LEGAL STANDARD

Transfer under Section 1404(a) requires the movant to make two showings. First, the movant must show that the transferee district “would have been a district in which the claim could have been filed.” *Fundamental Innovation Sys. Int’l LLC v. LG Elecs., Inc.*, 2018 WL 837711, at *1 (E.D. Tex. Feb. 13, 2018) (Gilstrap, J.) (quoting *In re Volkswagen AG*, 371 F.3d 201, 203 (5th Cir. 2004) (“*Volkswagen I*)). Second, the movant “must adduce evidence and arguments” that the transferee district is “clearly more convenient” than the current district, not merely “more likely than not to be more convenient.” *Def. Distributed v. Bruck*, 30 F.4th 414, 433 (5th Cir. 2022). Establishing good cause for transfer thus requires showing “(1) that the marginal gain in convenience will be *significant*, and (2) that [the movant’s] evidence makes it plainly obvious—i.e., clearly demonstrated—that those marginal gains will *actually* materialize in the transferee venue.” *In re Clarke*, 94 F.4th 502, 508 (5th Cir. 2024) (emphasis in original).

“The determination of ‘convenience’ turns on a number of private and public interest factors, none of which are given dispositive weight.” *Volkswagen I*, 371 F.3d at 203. The private factors are “(1) the relative ease of access to sources of proof; (2) the availability of compulsory process to secure the attendance of witnesses; (3) the cost of attendance for willing witnesses; and

² See also <https://careers.mccormick.com/search/?createNewAlert=false&q=&locationsearch=louisiana> (last accessed Sept. 8, 2026).

[REDACTED]

(4) all other practical problems that make trial of a case easy, expeditious and inexpensive.” *Id.* The public factors are “(1) the administrative difficulties flowing from court congestion; (2) the local interest in having localized interests decided at home; (3) the familiarity of the forum with the law that will govern the case; and (4) the avoidance of unnecessary problems of conflict of laws of the application of foreign law.” *Id.*

ARGUMENT

Defendants have not shown that the Northern District of Illinois is any more convenient than this District, much less met their “substantial burden” of showing transfer would impart significant convenience gains that are plainly obvious from the adduced evidence. *Malikie Innovations Ltd. v. Core Sci., Inc.*, 2026 WL 822023, at *2 (E.D. Tex. Mar. 24, 2026); *see also Cerence Operating Co. v. Samsung Elecs. Co.*, 2025 WL 755219, at *2 (E.D. Tex. Mar. 8, 2025) (“A motion to transfer under 1404(a) carries a high burden.”).

I. Defendants Fail to Carry Their Burden to Show This Suit Could Have Been Brought in the Northern District of Illinois

The Motion should be denied because Defendants have not shown that this action “might have been brought” in the Northern District of Illinois—a threshold requiring proof that the transferee court could exercise personal jurisdiction over each Defendant. *See Hoffman v. Blaski*, 363 U.S. 335, 343–44 (1960) (Section 1404(a) depends not on “the wish or waiver of the defendant” but on whether the plaintiff could have brought the action there).

This is Defendants’ entire jurisdictional analysis: “[a]ny alleged misappropriation therefore necessarily occurred, if at all, in N.D. Ill., giving that court jurisdiction over the trade secret misappropriation claims.” Mot. 9. That hardly shows personal jurisdiction over each Defendant. *Cf. Fundamental Innovation Sys.*, 2018 WL 837711, at *2 (Gilstrap, J.) (“A defendant seeking

transfer cannot provide a cursory statement regarding the threshold jurisdictional burden, then wait for a plaintiff to challenge that statement, and only then come forward with more.”).

The omission is most glaring as to McCormick, a Maryland corporation based in Maryland. Nothing about Defendants’ jurisdictional sentence ties any alleged conduct of McCormick to Illinois. Nor do Defendants attempt to show that there is patent venue over McCormick—the lone Defendant on the patent claims. While its subsidiaries, the FONA Defendants, may have a place of business there, Defendants make no such showing regarding McCormick. Defendants make no showing of corporate veil piercing or another exceptional circumstance that would allow FONA’s activities and characteristics to be imputed to its parent, McCormick, for purposes of personal jurisdiction. *See Frank v. P N K (Lake Charles) L.L.C.*, 947 F.3d 331, 338 (5th Cir. 2020) (“This court generally does not impute contacts across parents and subsidiaries for jurisdictional purposes.”). The Motion should be denied for failing to carry this threshold burden.

II. No Private Factor Favors Transfer.

A. The Relative Ease of Access to Sources of Proof Weighs Against Transfer.

Venue discovery defeats Defendants’ Illinois-centered framing of this case and confirms that transfer to the Northern District of Illinois would not ease access to sources of proof. In fact, McCormick maintains a significant facility in Irving, Texas, and the only McCormick products publicly associated with TrueTaste® are Stubb’s® seasonings from its Austin-based subsidiary. Merely swapping Illinois for Texas does not move the needle on transfer and, under Defendants’ same geographic logic, would make Texas-based proof less convenient.

The personnel, operations, and evidence extend through Maryland, Connecticut, Texas, Georgia, New Jersey, Virginia, and Illinois. That some evidence may also exist in Illinois does not make the Northern District of Illinois materially different from these other locations. In addition, while some development activities for the accused technologies may have taken place in Illinois,

[REDACTED]

the evidence shows that the individuals most knowledgeable are no longer with the company and some are no longer anywhere near Illinois.

McCormick's public filings identify its current principal offices and primary research facilities in suburban Baltimore and Flavor Solutions facilities in Maryland, Louisiana, Indiana, Georgia, Texas, New Jersey, Illinois, Missouri, and abroad. Ex. 2 at 20. Its Form 10-K specifically identifies Atlanta, Georgia and Lakewood, New Jersey as Flavor Solutions facilities, but Defendants offer no evidence identifying the products, processes, personnel, or records associated with either location. *Id.* That footprint matters because the patent and trade secret claims here concern the development, commercialization, and use of Defendants' various encapsulation technologies across the company, not the activities at one FONA facility involved in historical development—especially where, following McCormick's acquisition of FONA, its CEO directed

[REDACTED] Ex. 1, Szymczak Tr. 155:2–16, 215:21–216:8.

Similarly, “the vast majority of the evidence [i]s electronic, and therefore equally accessible in either forum,” which weighs against transfer. *In re Planned Parenthood Fed’n of Am., Inc.*, 52 F.4th 625, 630 (5th Cir. 2022); *see also Malikie*, 2026 WL 822023, at *3 (“[Movant] mostly relies on electronic evidence stored on cloud servers, which its own witness identified as being equally accessible in this District.”). Most discovery here will be electronic. McCormick's servers are in [REDACTED] Ex. 1, Szymczak Tr. 170:17–171:15, and accessible anywhere in the country. To the extent there are relevant hard-copy documents, the evidence shows that they are dispersed across multiple states.

Nor can Defendants credibly dispute the accused technologies' significant ties to Texas. Dr. Szymczak testified that [REDACTED]

Id. 242:11–21.³ McCormick’s packaging describes the product as “Born in Texas” and “Delivered via TrueTaste™.”



The Stubb's® brand is owned by One World Foods, Inc., a wholly owned McCormick subsidiary located in Austin, Texas. Ex. 2 at 20, Exhibit 21; Ex. 4.

Further, although Dr. Szymczak

she confirmed at deposition that she

Ex. 1, Szymczak Tr. 238:17–239:13,

239:23–240:4. She also admitted that

ECF 33-1 ¶ 13, and agreed that she

Ex. 1, Szymczak Tr. 262:4–264:16. Counsel’s

assertion, which is not evidence, cannot establish that relevant evidence is only in Illinois.

³ McCormick has publicly explained that “McCormick Flavor Solutions applied TrueTaste®” to Stubb’s® Rubs and McCormick® Grill Mates® seasonings. Ex. 9.

[REDACTED]

Beyond Texas, much of the relevant technical work occurs in Maryland. [REDACTED]

[REDACTED]

[REDACTED]—is entirely in Hunt Valley. *Id.* 14:6–15:8, 15:15–16:19. Thus, even Defendants’ narrow (and incorrect) framing of this case as limited to TrueTaste® reaches Texas and Maryland.

Defendants’ commercialization work is also dispersed, and similarly reaches Texas and Maryland. [REDACTED]

[REDACTED]

[REDACTED] *Id.* 62:16–65:7, 159:15–160:6. Those personnel and records bear on commercialization and use of the products accused of patent infringement and of incorporating misappropriated trade secrets.

Relevant decision-making is also in Maryland. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *Id.* 137:12–138:8, 156:22–157:11, 246:20–247:4, 247:25–248:16.

Defendants’ damages witnesses—[REDACTED]

[REDACTED]

[REDACTED]—all come from Maryland. *Id.*

Further, Dr. Robert Sobel now resides in Connecticut—not Illinois—and was identified as most knowledgeable about the development of the accused encapsulation technologies. *Id.* 27:5–18, 67:17–21. She did not know whether former employee Sobel’s electronic files were preserved or where his data or hard copies are, and said the same of former technical manager Chin-Ping Su

[REDACTED]

and others. *Id.* 199:23–201:14, 203:5–25, 204:2–14. In fact, Defendants have now disclosed that

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Ex. 6, Defs’ Resp. to ESI Interrogatory No. 5.

The dispersion of hard-copy documents further undermine any claim that Illinois is clearly more convenient and underscore Defendants’ failure to investigate their own evidence.

As for ZoomEssence, its evidence exists in Kentucky and New Jersey; no evidence is in Illinois, and Defendants do not identify how transfer to Illinois would materially ease access to these sources of proof.

Because evidence, personnel, and operations are dispersed and electronic materials are readily accessible regardless of forum, Illinois offers no material convenience gain. Defendants also maintain a significant facility in Irving, Texas—one that manufactures the only McCormick product publicly branded as TrueTaste®—showing Defendants’ motion fails even if courts merely tallied in- and ex-Texas contacts. McCormick’s sole declarant, Dr. Szymczak, [REDACTED]

[REDACTED]

[REDACTED] Ex. 1, Szymczak Tr. 238:17–239:13, 239:23–240:4, 262:4–263:6. Testimony of that kind cannot carry Defendants’ burden and merely highlights how McCormick cannot meet the high standard for convenience-based transfer.

B. The Availability of Compulsory Process Factor Is Neutral.

The compulsory-process factor is neutral. Defendants identify third parties near Illinois but do not identify any witness who would refuse to testify in this District absent compulsory process. Their list is also incomplete: Dr. Sobel, Defendants’ most knowledgeable encapsulation witness, lives and works in Connecticut, and Dr. Szymczak did not know where several former

employees or their records are. *Id.* 27:5–18, 67:12–21, 199:23–202:18. Relevant ZoomEssence witnesses are in Kentucky, while other operations and personnel are in Maryland, Texas, Georgia, and New Jersey. Because Defendants identify no witness who is unwilling to testify, the compulsory-process factor receives less weight. *See In re Planned Parenthood*, 52 F.4th at 630–31.⁴ Indeed, Defendants’ arguments on compulsory process are exactly the type of speculation that cannot be credited under the “plainly obvious” standard. *Clarke*, 94 F.4th at 508 (requiring proof that the hoped-for benefits “will *actually* materialize”).

With witnesses dispersed and the most knowledgeable witness outside both forums’ subpoena power, this factor favors neither forum.

C. The Cost of Attendance for Willing Witnesses Factor Is Neutral.

The willing-witness factor is also neutral. The Motion identifies witnesses in Illinois, Maryland, Wisconsin, Ohio, Tennessee, Kentucky, and South Dakota. Mot. 4–5. Venue discovery adds a [REDACTED] Maryland technical team, the most knowledgeable encapsulation witness in Connecticut, and a supply-chain group across Illinois, Maryland, Texas, Georgia, and New Jersey. Ex. 1, Szymczak Tr. 14:6–15:8, 27:5–18, 62:16–65:9, 67:12–21. The former Chairman and Chief Executive Officer of FONA, Joe Slawek, who was personally involved in the work with ZoomEssence and is intimately knowledgeable about the value of the technologies, currently resides in Tennessee. ECF 33 at 4.

Defendants also overlook ZoomEssence witnesses in Kentucky, McCormick personnel in Maryland and Connecticut, and supply-chain personnel in Texas, Georgia, and New Jersey. No forum eliminates travel for these dispersed witnesses. Accordingly, transfer from this District to

⁴Defendants’ venue deponent testified that, [REDACTED]
[REDACTED] Ex. 1, Szymczak Tr. 71:17–23.

Illinois would “[m]erely shift[] inconvenience” from some witnesses to others, rendering this factor neutral. *See Alacritech Inc. v. CenturyLink, Inc.*, 2017 WL 4155236, at *6 (E.D. Tex. Sept. 19, 2017) (“Some third-party witnesses will be inconvenienced regardless of the chosen venue.”). Here, too, Defendants’ arguments are speculative and irrelevant under the “plainly obvious” standard. *Clarke*, 94 F.4th at 508.

D. The Practical Considerations Factor Weighs Strongly Against Transfer Because This Case Is Well Into Discovery Before This Court.

Defendants call this factor neutral because the case is “early.” Mot. 12–13. But the parties have a January 10, 2028 trial date, have been engaged in document discovery for five months, produced hundreds of documents, collectively answered over 50 interrogatories, exchanged infringement and invalidity contentions, and are currently litigating two discovery motions. Further, this Court is poised to decide Defendants’ fully briefed Motion to Dismiss. It makes little sense to transfer the case to a new court that does not have the same familiarity with the issues or experience managing the unique circumstances of the case.

In any event, Defendants cannot bootstrap their own delay into a rationale for transfer. ZoomEssence filed and promptly served its Complaint on December 19, 2025. ECF Nos. 1, 11. After multiple extensions, Defendants filed a Rule 12(b)(6) motion on March 3, 2026, then waited until March 23—about three months after service—to seek transfer. ECF Nos. 12–16, 21–24 ; 27 (Defendants’ Rule 12(b)(6) Motion); 33 (Transfer Motion). Defendants do not explain their delay, and even modest delays weigh against transfer. *See, e.g., N5 Techs., LLC v. Bank of Am., N.A.*, 2014 WL 558762, at *5 (E.D. Tex. Feb. 10, 2014) (six-month delay); *TQP Dev., LLC v. LinkedIn Corp.*, 2013 WL 12247813, at *6 (E.D. Tex. Mar. 28, 2013) (five-month delay).

Moreover, Defendants’ motion is based on ZoomEssence’s original complaint, before amendments removed any and all doubt that the claims go well beyond TrueTaste®, as Defendants

have repeatedly and incorrectly claimed. Defendants' failure to take any action to address the operative claims in their transfer motion is another practical factor weighing against transfer.

The relevant practical considerations therefore weigh strongly against transfer.

III. The Public Factors Weigh Against Transfer.

A. The Administrative Considerations Factor Strongly Weighs Against Transfer.

This Court has set a July 20, 2027 *Markman* hearing and January 10, 2028 trial, providing a defined schedule and a trial date a little over a year from now. ECF 50.

Defendants offer no Northern District of Illinois time-to-trial evidence, while public data indicate medians of about two years and 302 days for all cases and three years and 238 days for patent and trade-secret cases. Ex. 7 (Lex Machina time-to-trial data for all N.D. Ill. cases); Ex. 8 (Lex Machina time-to-trial data for N.D. Ill. patent or trade secret cases); *see also Sambrano v. United Airlines, Inc.*, 707 F. Supp. 3d 652, 680 (N.D. Tex. 2023) (noting that the Northern District of Illinois “has a highly congested docket”). As for caseload, the Eastern District of Texas has 4,541 pending civil cases, while the Northern District of Illinois has 25,291—over five times more.⁵ The fixed and defined schedule here and the available comparative data therefore strongly weigh against transfer.

B. The Local Interest Factor Is Neutral.

The local interest factor is neutral. Defendants rely on FONA entities and Fluid Air in Illinois, but the standard concerns “significant connections between a particular venue and the events that gave rise to a suit,” not parties' general forum contacts. *In re Acer Am. Corp.*, 626 F.3d 1252, 1256 (Fed. Cir. 2010). FONA's Illinois presence does not change that co-defendant

⁵ See Table C-1—U.S. District Courts—Civil Statistical Tables For The Federal Judiciary (June 30, 2026), *available at* https://www.uscourts.gov/sites/default/files/document/stfj_c1_630.2026.xlsx (last accessed Sept. 8, 2026).

McCormick is headquartered in Maryland and has directed its infringing activities from its Hunt Valley headquarters since 2020. Defendants also ignore that they are using a Texas-based subsidiary, One World Foods, Inc., to sell Texas-branded products as a beachhead for commercializing accused technology.

This dispute is not localized. Unlike *Acer*, “[t]he company asserting harm and many of the companies alleged to cause that harm” do not all reside in one district. *In re Acer*, 626 F.3d at 1256. ZoomEssence and patent inventor Mr. Beetz reside in Kentucky. Mot. 7. Defendants do not show why Illinois has a stronger interest in adjudicating ZoomEssence’s patent and trade secret rights than Texas.

C. The Familiarity with the Governing Law Factor Is Neutral.

The familiarity with governing law factor is neutral. ZoomEssence’s patent and federal trade secret claims arise under federal law, and both courts are equally capable of applying that law. *See Alacritech*, 2017 WL 4155236, at *7.

D. The Avoidance of Conflict of Laws Factor Is Neutral.

The conflicts factor is neutral because ZoomEssence agrees that “there are no issues regarding conflict of laws or application of foreign law.” Mot. 15.

CONCLUSION

The Motion should be denied because Defendants have not shown that this case could have been filed in the Northern District of Illinois or that the private and public factors make that district “clearly more convenient” than this District.

Dated: September 8, 2026

/s/ Jonathan Watkins

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of September 2026, the foregoing document was served on counsel of record for Defendants via electronic mail.

/s/ James R. Anderson

James R. Anderson

CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL

I hereby certify that the foregoing document is authorized to be filed under seal pursuant to the Protective Order (Dkt. 45) entered in this case.

/s/ Jonathan Watkins

Jonathan Watkins