IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VOXER, INC. AND VOXER IP LLC, Plaintiffs, v. GOOGLE LLC AND YOUTUBE, LLC, Defendants.	C.A. No. 25-873-GBW

OPENING BRIEF IN SUPPORT OF GOOGLE'S MOTION TO
TRANSFER VENUE TO THE NORTHERN DISTRICT OF CALIFORNIA

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I. INTRODUCTION AND SUMMARY OF ARGUMENT

The live streaming and communications industry—including YouTube Live, the Accused Product, and Voxer itself—was born and remains centered in the Northern District of California ("NDCA"). Although this case is in its early stages, it is already clear that the key witnesses and evidence, including third-party inventors, licensees, and prior artists, are in NDCA. In contrast, Delaware has no ties to the Asserted Patents, Accused Products, prior art, or either company besides the bare fact of the companies' formation here.

Voxer's decision to bring this action in Delaware cannot unilaterally dictate venue in light of the overwhelming benefit to both private and public interests that transfer to NDCA would accomplish. Of the factors the Third Circuit laid out in *Jumara*, eight favor transfer, and only one, Voxer's choice to file here, weighs against it. Indeed, although Voxer is ostensibly headquartered in Texas, it has declared in past litigation that NDCA is "home to Voxer"[1] and where "[t]he Voxer product was conceived, developed, and designed."[2] This is a quintessential transfer case, with almost identical venue-related facts as numerous other cases that this Court and others in this District have transferred to NDCA. *See, e.g.*, *Dialect, LLC v. Google, LLC*, 2024 WL 1328908, at *1 (D. Del. Mar. 28, 2024); Mem. Order at 1, *Metarail, Inc. v. Google LLC*, No. 23-1116 (D. Del. Oct. 27, 2025), D.I. 46 ("*Metarail* Opinion," attached as Ex. 3). Consistent with those cases, this Court should transfer this case to NDCA.

[1] VoxerNet LLC's Mot. To Transfer Venue at 14, *Uniloc USA, Inc. v. VoxerNet LLC*, No. 2:16-cv-644 (E.D. Tex. Sept. 27, 2016), D.I. 19 ("*Uniloc* Transfer Motion," attached as Ex. 1).

[2] Def.'s Mot. To Transfer Venue at 2, *IPVX Patent Hld'gs v. VoxerNet LLC*, No. 6:12-cv-184 (E.D. Tex. June 15, 2012), D.I. 15 ("*IPVX* Transfer Motion," attached as Ex. 2).

II. NATURE AND STAGE OF THE PROCEEDINGS

On July 14, 2025, Plaintiffs Voxer, Inc. and Voxer IP LLC (together, "Voxer") filed a Complaint alleging that Google LLC and YouTube, LLC (together, "Google") infringe five related U.S. patents: 10,142,270 (the "'270 Patent"); 10,511,557 (the "'557 Patent"); 11,146,516 (the "'516 Patent"); 11,777,883 (the "'883 Patent"); and 11,658,929 (the "'929 Patent") (collectively, the "Asserted Patents"). D.I. 1. This case is at an early stage. Google has filed a motion to dismiss, D.I. 13, which was fully briefed on October 29, 2025. Trial is not until February 2029 and an initial Scheduling Conference is set for January 6, 2026. Dec. 22, 2025 Oral Order.

Google now moves pursuant to 28 U.S.C. § 1404(a) to transfer this case to the Northern District of California.

III. STATEMENT OF FACTS

A. Relevant Allegations in Voxer's Complaint

In 2011, Voxer launched a walkie talkie app that allowed users to "(i) talk with other users 'live' and listen to messages out of storage at their convenience in a time-shifted mode; and (ii) conduct or participate in multiple conversations." D.I. 1 ¶ 30. Nearly fifteen years later, Voxer brought this action, alleging that Google's live video streaming service, YouTube Live, infringes each of the Asserted Patents purportedly associated with that walkie talkie app. *Id.* ¶¶ 1, 13. Voxer alleges that the supposedly infringing aspects of YouTube Live relate to the live streaming process end-to-end, from the "sending communication device," to YouTube Live's processing of the video, through "delivering portions of the video communication . . . to the second communication device." *See, e.g.*, D.I. 1-6 (infringement allegations for the '270 Patent).

The Complaint also includes a barebones allegation that "Voxer representatives discussed Voxer, its intellectual property, and its relevance to Google with Google personnel in 2016." D.I. 1 ¶ 76.

B. Google and YouTube Have Strong Ties to the Northern District of California, and None to Delaware.

YouTube and Google have longstanding, deep ties to NDCA. YouTube was founded in San Mateo, California and has been headquartered in the Bay Area since then. Decl. of Yuri Zapuchlak ("Decl.") ¶ 4. Google similarly is headquartered in NDCA, in Mountain View. Decl. ¶ 3. Several key teams and many key employees involved in the development and maintenance of YouTube Live are based in NDCA. The Live Experience team, which manages the process of connecting viewers to the livestream, is based at YouTube Live's headquarters in San Bruno, California. Decl. ¶ 8(b). Key members of the Video Infrastructure team who are responsible for engineering YouTube Live, are based in NDCA. Decl. ¶ 8(a). And the teams associated with product management and program execution for YouTube Live are based in NDCA. Decl. ¶ 8(c)-(d).

The relevant documents from these YouTube Live employees based in NDCA were created and are maintained primarily in NDCA. *See* Decl. ¶ 8.

In contrast, Google is not aware of any person, activity, or evidence relevant to this case in Delaware. Google does not have any offices in Delaware, and to its knowledge, no Google teams or personnel who work on YouTube Live are based in Delaware. Decl. ¶¶ 8-9. The Complaint includes no allegations related to any conduct that took place in Delaware.

C. Voxer Has Ties to the Northern District of California, Not Delaware

Today, Voxer is headquartered in Dallas, Texas.[3] D.I. ¶ 7. But when it was founded, it was headquartered in San Francisco, California. Ex. 5 (prior version of Voxer's "About Us" page),

[3] Voxer asserts in its Complaint that it is headquartered in Dallas. However, Google's review of LinkedIn pages of the employees listed on its website indicate none list their location on LinkedIn as Texas. And the address Voxer provides, 539 West Commerce St. #7050, Dallas, Texas, 75208, is listed on https://physicaladdress.com/dallas-virtual-office/ as an address companies can use to establish a "Virtual Office Address" that does not require (or offer) a physical location. *See* Ex.

As Voxer has stated in prior litigation, the "Voxer app was conceived, designed, and developed at Voxer's San Francisco headquarters." *Uniloc* Transfer Motion at 2; *see also IPVX* Transfer Motion at 2 (similar). Voxer's former Vice President of Corporate Development James Panttaja—himself an inventor named on the patents-in-suit—previously declared that "[t]he service provided by VoxerNet through its app is operated from its San Francisco headquarters and through server equipment located in Las Vegas, Nevada." Ex. 7 ¶ 5 (Panttaja Decl.). Google is aware of no basis to conclude that Voxer has since shifted its operations to Delaware. Illustrating the close nexus between Voxer's technology and NDCA, Voxer's Terms of Service provide that the exclusive jurisdiction for all non-arbitrable disputes "will be the state and federal courts located in the [sic] San Francisco, California." Ex. 8. The non-provisional priority date on each of the Asserted Patents is February 8, 2008, at which time Voxer was still headquartered in San Francisco. *Uniloc* Transfer Motion at 1-2; Ex. 5 (2011 version of Voxer's "About Us" page).

None of Voxer's employees identified on its website are based in Delaware, but at least one of its employees—Prateek Sachdeva—appears to be located in NDCA. Ex. 9 (LinkedIn profile).[4]

Voxer previously asserted several of the Asserted Patents against Meta in a case Voxer filed in the Western District of Texas. *See Voxer, Inc. v. Facebook, Inc.*, No. 6:20-cv-00011 (W.D. Tex., filed Jan. 7, 2020). In that case, Voxer identified "several potential third-party witnesses," none of whom reside in Delaware and two of whom reside in NDCA (Mr. Panttaja and Ms. Panttaja). *Voxer, Inc. v. Facebook, Inc.*, 2020 WL 3416012, at *3 n.5 & n.6, *5 (W.D. Tex. June

4.

[4] As of 2016, Voxer declared that "all of Voxer's employees who may be called to testify" were located in NDCA. *Uniloc* Transfer Motion at 14.

22, 2020); Exs. 10-11. The other party and non-party witnesses Voxer identified in that litigation are located in Arizona, Wyoming, and Pittsburgh. *Id.*

D. Critical Non-Party Witnesses and Documents Are Located in NDCA

Two of the four inventors named on the Asserted Patents appear no longer to be affiliated with Voxer and reside in the San Francisco area. Exs. 10-11 (noting that Mary Panttaja is located in San Francisco, California and James Panttaja is located in Healdsburg, California).

In addition, several of the key witnesses related to the allegations in the Complaint are no longer Google employees, but reside in NDCA. As one example, Voxer alleges that "Voxer representatives discussed Voxer, its intellectual property, and its relevance to Google with Google personnel in 2016." D.I. 1 ¶ 76. Google knows of one Google employee, David Sobota, who became aware of Voxer in 2016 and facilitated communication internally about Voxer. That employee no longer works for Google, but still resides in NDCA. Decl. ¶¶ 10-11; Ex. 12 (LinkedIn).

In the mid-2000s, several companies with live-streaming services that Google expects to be prior art to Voxer's Asserted Patents were founded and headquartered in NDCA. Key witnesses from that time, like the founder of justin.tv (Twitch's predecessor), still maintain a presence in NDCA. *See* Ex. 13 (Justin Kan's LinkedIn). Twitch is the accused product in a co-pending case in this Court, *Voxer, Inc. v. Amazon.com, Inc.*, Case No. 25-cv-872 (D. Del., filed July 14, 2025), which Amazon also intends to seek transfer to NDCA. *See* D.I. 26 (cover letter to proposed scheduling order).

Voxer previously asserted two of the Asserted Patents against Meta Platforms, Inc. f/k/a Facebook, Inc. and Instagram LLC in *Voxer, Inc. v. Meta Platforms, Inc.*, No. 1:20-cv-655 (W.D. Tex., filed Jan. 7, 2020). The parties settled that case on appeal in a non-public settlement. Google expects that Voxer may address the Meta/Instagram license in its reasonable-royalty analysis; if

so, it is possible that documents or witnesses from Meta or Instagram—both NDCA-based entities, *see Facebook*, 2020 WL 3416012, at *6—will be relevant.

Additionally, all five patents-in-suit were prosecuted by the Beyer Law Group LLP. *See* D.I. 1-1, 1-2, 1-3, 1-4, 1-5 (faces of patents). The Beyer Law Group describes itself as "a Silicon Valley-based intellectual property law firm" and maintains a mailing address in Palo Alto, California, where its named partner Steve Beyer (who prosecuted several of the patents-in-suit) is located. *See* Exs. 16-17. Google therefore expects that the prosecution files for the patents-in-suit are maintained in NDCA.

Google is not aware of any potential non-party witnesses located in Delaware.

IV. LEGAL STANDARD

Under 28 U.S.C. § 1404(a), "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought." A district court has "broad discretion to determine, on an individualized, case-by-case basis, whether convenience and fairness considerations weigh in favor of transfer." *Jumara v. State Farm Ins. Co.*, 55 F.3d 873, 883 (3d Cir. 1995).

The Court follows a two-step process. It first determines "whether the case could have been brought in the district to which the movant wishes to transfer." *Dialect,* 2024 WL 1328908, at *1. If so, the Court determines "whether on balance the litigation would more conveniently proceed and the interests of justice be better served by transfer to a different forum." *Jumara*, 55 F.3d at 879.

In doing so, it evaluates the twelve private and public interest factors set forth in *Jumara*. The private interest factors are: (1) plaintiff's forum preference as manifested in the original choice; (2) the defendant's preference; (3) whether the claim arose elsewhere; (4) the convenience

of the parties as indicated by their relative physical and financial condition; (5) the convenience of the witnesses; and (6) the location of books and records. *Jumara*, 55 F.3d at 879. The public interest facts are: (7) the enforceability of the judgment; (8) practical considerations that could make trial easy, expeditious, or inexpensive; (9) the relative administrative difficulty in the two fora resulting from court congestion; (10) the local interest in deciding local controversies at home; (11) the public policies of the fora; and (12) the familiarity of the trial judge with the applicable state law in diversity cases. *Id.* at 879-80.

The "mere fact of a defendant's incorporation in Delaware is not a dispositive factor in the venue transfer analysis." *Blackbird Tech LLC v. Cloudflare, Inc.*, 2017 WL 4543783, at *7 (D. Del. Oct. 11, 2017). Courts in this District regularly grant § 1404 motions in cases between Delaware companies. *See, e.g.*, *Mitel Networks Corp. v. Facebook, Inc.*, 943 F. Supp. 2d 463, 467 (D. Del. 2013) (transferring to NDCA a patent infringement action brought in Delaware by a Delaware corporation headquartered in Arizona and a Canadian company headquartered in Canada against a Delaware corporation headquartered in California); *Symantec Corp. v. Zscaler, Inc.*, 2017 WL 3262246, at *1 (D. Del. July 31, 2017) (transferring to NDCA a patent infringement action between two Delaware companies); *OpenTV, Inc. v. Netflix, Inc.*, 2014 WL 1292790, at *1 (D. Del. Mar. 31, 2014) (same); *Audatex N. Am., Inc. v. Mitchell Int'l, Inc.*, 2013 WL 3293611, at *1 (D. Del. June 28, 2013) (same but to the Southern District of California).

V. ARGUMENT

There is no question that this case could have been brought in NDCA. And "on balance," this case "would more conveniently proceed and the interests of justice be better served by transfer to a different forum." *Jumara*, 55 F.3d at 879. Besides being organized under the laws of Delaware, no party has any relevant ties to this District. Both have relevant ties to NDCA, and

Google's are extensive: both Google and YouTube are headquartered in NDCA and have been for decades, key parts of the Accused Product were developed and distributed in NDCA, and critical witnesses and evidence are located there. Further, several important potential non-party witnesses are located in NDCA and thus are only subject to trial subpoenas in that district.

A. This Action Could Have Been Brought in the Northern District of California.

Google and YouTube both have their principal place of business in NDCA, and YouTube Live is available in NDCA. Decl. ¶¶ 3-4, 7. Voxer thus could have brought this action there. *See, e.g.*, *Dialect*, 2024 WL 1328908, at *2.

B. The Private Interest Factors Strongly Favor Transfer.

1. Voxer's Choice to Bring Suit in Delaware Is Entitled to Reduced Weight.

Although the Third Circuit credits a plaintiff's choice of forum,[5] "when a plaintiff has no connection to Delaware other than its choice to sue here and its Delaware incorporation, such a plaintiff's choice will not dominate the balancing to the same extent as it otherwise might." *Pers. Genomics Taiwan Inc. v. Pac. Biosciences of California Inc.*, 2024 WL 3043329, at *1 (D. Del. June 18, 2024) (cleaned up); *see also, e.g.*, *Ithaca Ventures k.s. v. Nintendo of Am. Inc.*, 2014 WL 4829027, at *2 (D. Del. Sept. 25, 2014) ("Even though Ithaca Development is organized under Delaware law, its principal place of business being in Texas diminishes the plaintiffs' argument that it is at home in Delaware."); *In re Link_A_Media Devices Corp.*, 662 F.3d 1221, 1224 (Fed. Cir. 2011) ("Neither § 1404 nor *Jumara* list a party's state of incorporation as a factor for a venue inquiry."). "[B]ecause the rule of deference to a plaintiff's choice assumes that a home forum is inherently more convenient, [] when the chosen forum is actually not inherently more convenient

[5] The Federal Circuit applies the law of the regional circuit to review motions to transfer pursuant to § 1404. *In re Barnes & Noble, Inc.*, 743 F.3d 1381, 1383 (Fed. Cir. 2014).

for the plaintiff, the plaintiff's preference is accorded less weight." *Blackbird Tech,* 2017 WL 4543783, at *5 (citing *Lony v. E.I. DuPont de Nemours & Co.*, 886 F.2d 628, 633–34 (3d Cir. 1989)); *see also, e.g.*, *Memory Integrity, LLC v. Intel Corp.*, 2015 WL 632026, at *3 (D. Del. Feb. 13, 2015) ("Memory Integrity cannot reap the full benefits of heightened deference as a result of its minimal connection to Delaware.").

Voxer has no connection to this District other than having been formed under Delaware law. It is headquartered in Texas—not Delaware. It has previously declared that NDCA is its "home" and stressed the convenience to Voxer of litigating in NDCA. *See Uniloc* Transfer Motion at 1-2, 14. And, as discussed below, there is no indication that Delaware is more convenient than NDCA for Voxer; if anything, NDCA is more convenient including because, in prior litigation, Mr. Panttaja (a likely witness in this case) declared under penalty of perjury that NDCA would be "extremely more convenient" than E.D. Tex. *See* Ex. 7 ¶ 9. Accordingly, Voxer's choice to bring suit in Delaware is entitled to less deference.

2. Google Prefers the Northern District of California.

Google prefers to litigate this case in NDCA, where it has its principal place of business. As courts in this District repeatedly have held, a company has "legitimate and rational reasons to prefer litigating at home." *Dialect, LLC*, 2024 WL 1328908, at *2; *see also Contour IP Holding, LLC v. GoPro, Inc.*, 2017 WL 3189005, at *9 (D. Del. July 6, 2017) ("As this Court has often held, the physical proximity of the proposed transferee district to a defendant's principal place of business . . . is a clear, legitimate basis for seeking transfer.").

This factor thus favors transfer.

3. Voxer's Claims Arise in the Northern District of California.

"As a matter of law, a claim regarding patent infringement arises wherever someone has committed acts of infringement, to wit, makes, uses, offers to sell, or sells any patented invention without authority." *Contour IP*, 2017 WL 3189005, at *9 (cleaned up). Thus, courts "take[] into account where the infringing products originate—i.e., where they are designed, developed, manufactured, or marketed." *Dialect*, 2024 WL 1328908, at *2.

YouTube is headquartered in San Bruno, California. Decl. ¶ 4. Key teams at Google who have designed, developed, and marketed YouTube Live are based in NDCA. Decl. ¶¶ 8(a)-(d); *Blackbird Tech*, 2017 WL 4543783, at *6 ("As this evidence is sufficient to establish that most, if not all, of the development of the infringing method occurred in California, and none of it took place in Delaware, this factor advocates in favor of transfer."). YouTube Live has several teams responsible for aspects of its design, and development. For example, the Live Experience team, which "design[s]" and "develop[s]" the playback and user experience of YouTube Live, is based in San Bruno. Decl. ¶ 8(b); *see Dialect*, 2024 WL 1328908, at *2. Many of the engineers in the Video Infrastructure group who work on YouTube Live are in the Bay Area. Decl. ¶ 8(a). The program managers for YouTube Live, who are responsible for project execution, are based in San Bruno and Mountain View. Decl. ¶ 8(c). The product managers supporting YouTube Live Experience team are based in San Bruno. Decl. ¶ 8(d).

Although not all individuals, including engineers, who work on YouTube Live are based in NDCA, many key engineers responsible for the aspect of YouTube Live Voxer alleges infringes the Asserted Patents are. Decl. ¶¶ 8(a)-(d). And Google "maintains no facilities in Delaware and is aware of no development or engineering efforts relating to the accused product that occurred there." *Mitel Networks Corp.*, 943 F. Supp. 2d at 470–71; Decl. ¶¶ 5, 9.

Not all YouTube Live teams and employees are based in NDCA.[6] But that is ultimately not relevant to the analysis because so long as the "record so far indicates that at least some of the research and development activities relating to the allegedly infringing products occurred in [NDCA], and none in Delaware , . . . [t]his factor weighs in favor of transfer." *Intell. Ventures I LLC v. Altera Corp.*, 842 F. Supp. 2d 744, 755 (D. Del. 2012); *see also Metarail* Opinion at 4 (finding this factor weighed in favor of transfer when less than all engineers were based in NDCA); *Memory Integrity, LLC*, 2015 WL 632026, at *4 (finding it "unnecessary" to determine what proportion of work was done in the proposed transferee district and that "this factor weighs in favor of transfer" as some work was done in proposed transferee district and none was done in original district). For example, in *MEC Res., LLC v. Apple, Inc.*, 269 F. Supp. 3d 218, 225 (D. Del. 2017), the accused products were manufactured *entirely* in Taiwan (a critical part of the "development," *Dialect*, 2024 WL 1328908, at *2), but the court easily concluded that because Apple had teams in NDCA who "designed and decided to incorporate the [accused products]," this factor "weigh[ed] in favor of transfer because [the] claims [had] 'deeper roots' in the Northern District of California" than in Delaware. *MEC Res., LLC*, 269 F. Supp. 3d at 225. Here, although there are YouTube Live employees in Massachusetts,[7] there are also key engineers based in NDCA who are responsible for the aspects of YouTube Live that Voxer accuses of infringement; and the teams responsible for the other critical aspects of YouTube Live, including product management and execution, are based in NDCA. Decl. ¶¶ 8(a)-(d). And no employee working on the design

[6] As the declaration explains, many of the engineers who work on YouTube Live are based in Cambridge, MA. Decl. ¶¶ 8(c)-(d).

[7] Although Cambridge, MA is closer to Delaware than NDCA, this factor looks at the place the claims arise; not proximity of any witnesses to the district.

or development of YouTube Live is based in Delaware. There is thus no doubt that Voxer's claims have "deeper roots" in NDCA than Delaware, and this factor weighs in favor of transfer.

4. The Northern District of California Is More Convenient for the Parties.

The party convenience factor favors transfer, as transfer to NDCA is far more convenient for Google and will not diminish the convenience for Voxer—if anything, it would be more convenient for Voxer. Courts weigh several factors in assessing party convenience: "(1) the parties' physical location; (2) the associated logistical and operational costs to the parties' employees in traveling to Delaware (as opposed to the proposed transferee district) for litigation purposes; and (3) the relative ability of each party to bear these costs in light of its size and financial wherewithal." *Ithaca Ventures*, 2014 WL 4829027, at *4 (citation omitted).

If this case is litigated in Delaware, all parties and witnesses will have to travel to Delaware, spending significant time and money. For Google, transferring this case to NDCA will save it time and resources as many of its witnesses and documents are located in NDCA. *See Dialect, LLC*, 2024 WL 1328908, at *3 ("[G]iven the numerous high-level employees whose work would be disrupted by travel to Delaware and the breadth of accused products in this case, it would be more convenient for Google to litigate in the Northern District of California."). Indeed, it appears that it could save Voxer time and resources as well, as at least some portion of its workforce appears to reside in NDCA. *See* Ex. 9. Even if Voxer's witnesses are located in Texas, they still will be required to travel a significant distance to Delaware. *See Ithaca Ventures*, 2014 WL 4829027, at *4 ("It is unreasonable to subject all parties to an inconvenient forum when a forum exists that would significantly reduce the burden of at least one of the parties.").

The third factor, the relative ability of each party to bear costs of travel, offers Voxer no support. Voxer has "already [chosen] to litigate in a place where it is not located accepting the

costs of travel." *MEC Res., LLC*, 269 F. Supp. 3d at 226 (finding that the "parties' financial wherewithal is a neutral consideration" as a result). Any complaint by Voxer about geographic convenience would be surprising, as it chose to file this suit over a thousand miles from its headquarters in Texas—despite recently filing and taking to verdict a related suit against Meta asserting two of the same patents in Texas. Even assuming Voxer's witnesses are located in Texas—a dubious assumption, as all evidence suggests they are largely located on the West Coast—NDCA is roughly as far from Dallas as Delaware is. Because Voxer would be equally inconvenienced in Delaware, and NDCA would be more convenient for Google, this factor weighs in favor of transfer.

5. Potential Witnesses Are Less Likely To Be Unavailable for Trial in the Northern District of California.

The fifth factor considers "the convenience of the witnesses—but only to the extent that the witnesses may actually be unavailable for trial in one of the fora." *Jumara*, 55 F.3d at 879. "Of particular concern here are fact witnesses who may not appear of their own volition in the venue-at-issue and who could not be compelled to appear by subpoena pursuant to Federal Rule of Civil Procedure 45." *Papst Licensing GmbH & Co. KG v. Lattice Semiconductor Corp.*, 126 F. Supp. 3d 430, 441 (D. Del. 2015). "[I]t is enough that likely witnesses reside beyond the court's subpoena power and that there is reason to believe that those witnesses will refuse to testify absent subpoena power." *Joao Control & Monitoring Sys., LLCv. Ford Motor Co.*, 2013 WL 4496644, at *6 (D. Del. Aug. 21, 2013). And "when there is no indication that a non-party witness is willing, the witness is presumed to be unwilling and considered under the compulsory process factor." *Pers. Genomics Taiwan Inc.*, 2024 WL 3043329, at *4 (quoting *In re HP Inc.*, 2018 WL 4692486, at *3 n.1 (Fed. Cir. Sept. 25, 2018)). Accordingly, the Court assesses the non-party witnesses that

are "within the subpoena power of the Northern District of California but not the District of Delaware." *Id.*

Two of the four inventors on each of the Asserted Patents are no longer affiliated with Voxer and reside in NDCA:[8]

- Mary Panttaja, an inventor on each of the Asserted Patents and a Voxer employee from 2007 to 2015, is now a Principal at Panttaja Consulting and is located in San Francisco, California. Ex. 10.
- Jim Panttaja, an inventor on each of the Asserted Patents and Voxer employee from 2007 to 2015, is now a Principal at Panttaja Consulting and is located in Healdsburg, California. Ex. 11.

Both would be subject to subpoena power in NDCA, but not Delaware. None of the inventors would be subject to subpoena power in Delaware. "The location of the inventors is important because it is likely that the testimony of at least some of these inventors will be necessary for trial." *OpenTV, Inc.*, 2014 WL 1292790, at *3. In addition, the Asserted Patents were prosecuted by the Beyer Law Group, which appears to have only one office, in NDCA. It is likely that the prosecution of the Asserted Patents is relevant at trial, and at least six of the seven attorneys at Beyer Law Group—including named partner Steve Beyer, who prosecuted several of the patents-in-suit and could testify about the prosecution—are in NDCA and would be subject to subpoena power there (and none are in or near Delaware). [9]

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[8] In Voxer's case against Meta, these inventors submitted a declaration asserting they would be willing to travel to W.D. Texas, but ultimately did not testify at trial. *See Facebook*, 2020 WL 3416012, at *6. In other litigations, Mr. Panttaja submitted a declaration that NDCA would be "extremely more convenient" for him than W.D. Texas, Ex. 7, and Voxer asserted that forcing these inventors to travel outside of NDCA would be a "costly" trip – "if they could be compelled to attend at all." *Uniloc* Transfer Motion at 8.

[9] Six of the seven attorneys, including Steve Beyer, have LinkedIn profiles available, all of

Further, a witness relevant to Voxer's allegation that it met with Google to discuss its intellectual property in 2016 no longer works at Google. Decl. ¶¶ 10-11. However, he still resides in San Francisco, California and would be subject to the subpoena power of an NDCA court only. Ex. 12.

Although Google is still in the process of identifying key prior art, in the mid-2000s, several companies developed live-streaming and communication services that Google expects to be prior art in this case. Some of those prior artists, like Justin Kan, the founder of justin.tv (the predecessor to Twitch), are still located in NDCA. *See* Ex. 13. And more generally, given the fact that Voxer was headquartered in the Bay Area during the time of the purported inventions underlying the Accused Patents and the fact that YouTube and Google have always been headquartered in the Bay Area, Google expects there will be additional witnesses who are relevant to this case and subject only to subpoena power in NDCA.

In addition, the prior litigation between Voxer and Meta in the Western District of Texas ended in a settlement, the terms of which are not public. *See* Joint Mot. to Vacate Jury Verdict and Stip. of Dismissal, *Voxer, Inc. v. Facebook, Inc.*, No. 1:20-CV-00655 (W.D. Tex.), D.I. 441. Google expects that the details of that settlement, which involved two of the same patents asserted here, may be the subject of damages discovery in this case, and a witness from Meta or Instagram may need to testify to its terms and circumstances of its negotiation. Meta and Instagram are both headquartered in NDCA, and Google certainly would be able to identify a witness subject to NDCA's subpoena power. Publicly available sources indicate that neither Meta nor Instagram

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whom are in NDCA. *See* Exs. 16-22. According to the Beyer Law Group website, the seventh is a member only of the California bar, and there is no indication he is within 100 miles of Delaware. Ex. 23.

have an office in Delaware, *see Facebook*, 2020 WL 3416012, at *6, and thus this court is likely unable to exercise subpoena power over a necessary witness.

For each of these non-party witnesses (two inventors, a prosecution witness, a prior artist, a Meta witness, and a former Google employee) identified here, the fact that they have "no current relationship with Google is sufficient to provide 'some reason to believe that they would refuse to testify.'" *Dialect, LLC*, 2024 WL 1328908, at *3 (quoting *Williamson v. Google Inc.*, 2015 WL 13311284, at *2 (D. Del. Mar. 2, 2015)). As in *Dialect*, Google has identified numerous likely non-party witnesses within the subpoena power of NDCA but not this Court. *Id.* Thus, as in *Dialect*, the availability of witnesses weighs in favor of transfer to NDCA.

6. The Relevant Books and Records Are Located in the Northern District of California.

In infringement cases, "the 'bulk of the relevant evidence' . . . does come from the accused infringer, such that the location of the defendant's documents can favor transfer." *Audatex N. Am., Inc.*, 2013 WL 3293611 at *6 (citation omitted).

"Although the burden on defendants to produce books and records has declined substantially with modern technology, the location of this evidence is still a factor to be considered." *Williamson*, 2015 WL 13311284, at *3; *see In re Google LLC*, 2021 WL 5292267, at *2 (Fed. Cir. Nov. 15, 2021) (faulting the district court for failing to "consider[] the location of document custodians and location where documents are created and maintained, which may bear on the ease of retrieval")

Given that Google and YouTube are headquartered in NDCA and many key teams are located there, "[m]ore relevant documents are likely present at Google [and YouTube's] California headquarters than are present in Delaware." *Dialect*, 2024 WL 1328908, at *3; *see also Pers. Genomics Taiwan Inc.*, 2024 WL 3043329, at *4. Additionally, it appears that Voxer's prosecution files are held in law offices in NDCA. *See* Ex. 16. Accordingly, this factor favors transfer.

C. The Public Interest Factors Strongly Favor Transfer

7. The Enforceability of the Judgment Is Neutral.

There is no reason to believe that the judgment would not be equally enforceable in both districts. This factor is neutral. *Dermansky v. Young Turks, Inc.*, 2023 WL 4351340, at *4 (D. Del. July 5, 2023); *Dialect, LLC*, 2024 WL 1328908, at *2 n.1.

8. Practical Considerations Favor the Northern District of California.

Practical considerations for the parties and non-party witnesses counsel in favor of transfer, as trial in NDCA would be vastly more convenient and inexpensive. *See, e.g.*, *Memory Integrity, LLC*, 2015 WL 632026, at *5 (finding transfer practical based on "the complete lack of any potential party witness in Delaware"); *MEC Res., LLC v. Apple, Inc.*, 269 F. Supp. 3d 218, 227 (D. Del. 2017) (finding this factor favors transfer as "Apple's principal places of business and the bulk of their employees are in the Northern District of California" and thus the court can "assume trial would be more inexpensive there").

There are no countervailing practical considerations that would weigh against transfer: the case is in early stages and thus the Court "has relatively little familiarity with the action," *Pers. Genomics Taiwan Inc.*, 2024 WL 3043329, at *4, and there is no reason why delay from transfer "would be any more pronounced here than in any other transfer case," *Contour IP*, 2017 WL 3189005 at *13.

Should this Court grant Amazon's motion to transfer, practical considerations would weigh in favor of transfer to NDCA. *See Cont'l Grain Co. v. Barge FBL–585*, 364 U.S. 19, 26 (1960) ("To permit a situation in which two cases involving precisely the same issues are simultaneously pending in different District Courts leads to the wastefulness of time, energy and money that § 1404(a) was designed to prevent."); *Medicis Pharm. Corp. v. Nycomed U.S. Inc.*, 2011 WL 2457598, at *3 (D. Del. June 16, 2011) (finding that it was "in the interest of judicial economy" to

transfer case to SDNY when "the case at bar shares common questions of law and fact with [cases] which are now proceeding in the Southern District of New York").

9. Court Congestion in Delaware Favors the Northern District of California.

In *Dialect*, this Court examined the 2022-2023 court congestion statistics and found that the relative congestion between NDCA and this District counseled in favor of transfer. 2024 WL 1328908, at *4. That is still the case today. Delaware has 688 open patent cases, which are spread across six district judges and four magistrate judges. In contrast, NDCA has only 213 open patent cases spread over ten senior district judges, fourteen district judges, and thirteen magistrate judges. *See* Exs. 14, 15 (Lex Machina stats); Exs. 24-26 (court information). This is an even more "substantial" difference in patent case congestion than the Court faced in *Dialect*, and thus this factor favors transfer.[10]

10. The Local Interest Favors Transfer.

Even where a complaint alleges nationwide patent infringement, "if there are significant connections between a particular venue and the events that gave rise to the suit, this factor should be weighed in that venue's favor." *Papst*, 126 F. Supp. 3d at 445 (quoting *In re Hoffman-La Roche*, 587 F.3d 1333, 1338 (Fed. Cir. 2009)). Here, "Delaware's . . . interest is less compelling than that of Northern California," as "the products were designed and developed in California" and "the only connection this action has with Delaware is the fact that both parties are incorporated here, and that the parties both offer services nationwide." *OpenTV, Inc.*, 2014 WL 1292790, at *4.

[10] Court congestion statistics from June 2025 suggest that the weighted court filings per judge are comparable, with NDCA slightly higher. *See U.S. District Courts—Combined Civil and Criminal Federal Court Management Statistics (September 30, 2025), Admin. Off. of the U.S. Cts.* https://www.uscourts.gov/sites/default/files/document/fcms_na_distprofile0930_2025.pdf (reflecting 652 weighted court filings per judge in Delaware and 699 weighted court filings per judge in NDCA) (attached as Ex. 6); *see also Metarail* Opinion at 7-8 (relying solely on the U.S. Courts statistics and finding that the data from NDCA and Delaware are "about the same").

In addition, Voxer's complaint alleges that Google employees willfully infringed the Asserted Patents. NDCA has a "strong" "local interest" because those allegations "call[] into question the work and reputation of several individuals residing in or near that district and who presumably conduct business in that community." *In re Hoffmann-La Roche Inc.*, 587 F.3d 1333, 1336 (Fed. Cir. 2009). Delaware has no corresponding interest as Google has no office in this District and is not aware of any YouTube Live employees based here. Decl. ¶¶ 5, 9.

11. The Public Policies of the Fora Is Neutral.

This factor is also neutral, as "as there is no reason to believe that states would apply differing public policy considerations in the application of federal patent law." *Pers. Genomics Taiwan Inc.*, 2024 WL 3043329, at *5.

12. The Familiarity of the Court with State Law Is Neutral.

This factor is neutral, as the case was brought under federal law and is not based on diversity jurisdiction. *Dermansky*, 2023 WL 4351340, at *5; *Dialect, LLC*, 2024 WL 1328908, at *2 n.1.

D. Considered Together, the Factors Weigh Strongly in Favor of Transfer.

Of the twelve *Jumara* factors this Court considers, eight weigh strongly in favor of transfer; three are neutral; and one weighs slightly against transfer.

No.	Factor	Weighs in Favor of / Against Transfer
1	Plaintiff's choice of forum	Slightly against
2	Defendant's forum preference	In favor
3	Where the claims arose	In favor
4	Convenience of the parties	In favor
5	Availability of witnesses	In favor
6	Location of relevant evidence	In favor
7	Enforceability of the judgment	Neutral
8	Practical Considerations	In favor
9	Court congestion	In favor
10	Local interest in deciding local controversies	In favor

No.	Factor	Weighs in Favor of / Against Transfer
11	Public policies of the fora	Neutral
12	Familiarity of judge with state law	Neutral

Given the inevitability of the first factor weighing at least slightly against transfer, the case for transfer in this matter is as strong as it could be, and courts in this District (including this Court) regularly grant motions to transfer on these facts. *See Metarail* Opinion at 2-3 (plaintiff's choice of forum does not "dominate the balancing" when plaintiff has no connection to Delaware other than incorporation); *see also, e.g.*, *Titlemax of Delaware, Inc. v. Spicher*, 2024 WL 5187651, at *6 (D. Del. Dec. 20, 2024) (granting transfer motion despite "accord[ing] Plaintiff's choice of forum significant deference" as "[s]even factors weigh in favor of transfer"); *Dialect, LLC*, 2024 WL 1328908, at *4 (granting motion when only "six weigh in favor of transfer" as "in their totality, the factors weigh strongly in favor of transferring this action to the Northern District of California"); *Pers. Genomics Taiwan Inc.*, 2024 WL 3043329, at *5 (same).

VI. CONCLUSION

For the foregoing reasons, Google respectfully requests that the Court grant its motion to transfer venue to NDCA.

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