

Judge Albright Grants Defendant Apple's Motion To Transfer Venue To the Northern District of California

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On February 2, 2022, Zentian filed a complaint against Apple alleging infringement of four patents directed to improving the performance and efficiency of speech recognition on-device systems, including in the areas of parallel processing and circuit configurations. After responding to Zentian's complaint, Apple filed this motion to transfer on December 16, 2022, arguing the Northern District of California is a more convenient forum due to the location of potential witnesses and relevant records.

Judge Albright first concluded that the threshold determination was met—this case could initially have been brought in the destination venue because Apple is headquartered in the Northern District of California. Next, Judge Albright examined the following private- and public-interest factors to determine whether the Northern District of California is a *clearly* more convenient forum than the Western District of Texas:

A. Private-Interest Factors

- 1. The Cost of Attendance and Convenience for Willing Witnesses.** The court found that this factor, “the most important factor in the transfer analysis,” favors transfer. Apple’s software teams working on the accused functionality of the accused products are largely based in the Northern District of California. Apple’s Neural Engine team and a large portion of its CPU design team are also based in that district. The court, believing both software and hardware are relevant, found that the majority of the relevant Apple employees reside in the Northern District of California.
- 2. The Relative Ease of Access to Sources of Proof.** The court concluded that this factor favors transfer. While it may be possible to transmit physical evidence electronically, and electronic evidence may equally be accessible in both forums, the court found that more evidence was created and maintained in the Northern District of California.
- 3. The Availability of Compulsory Process to Secure the Attendance of Witnesses.** The court concluded that this factor weighs slightly against transfer. The court hesitated to weigh a former Apple employee’s presence in the Western District of Texas strongly against transfer because their work with the Siri team occurred only once and involved a “snippet” of the speech recognition software. Judge Albright found that the employee’s knowledge would likely have a limited scope of relevance to this litigation and noted that Zentian had not alleged or shown that the employee was an unwilling witness. Regarding the third-party hardware suppliers, the court concluded

that the presence of Intel, AMD, or Samsung in the Western District of Texas did not weigh against transfer because Zentian failed to show that these entities would have relevant information about the accused products.

4. **All Other Practical Problems That Make Trial of a Case Easy, Expeditious, and Inexpensive.** The court found that this factor weighs against transfer because of the co-pending Amazon litigation involving the same asserted patents. Given that the defendant in the co-pending litigation, Amazon, has not moved to transfer venue, the court concluded that judicial efficiency would be best served by keeping this case and the Amazon litigation in the same court.

B. Public-Interest Factors

1. **Administrative Difficulties Flowing from Court Congestion.** The court concluded that this factor is likely neutral because Zentian is not engaged in product competition in the marketplace.
2. **Local Interest in Having Localized Interests Decided at Home.** The court found that this factor favors transfer. Even though the Western District of Texas has some local interest because Apple employees who work on the accused product's general-purpose hardware are based there, the court concluded that the Northern District of California's local interest is likely greater because Apple employees in that district develop the speech recognition software, Neural Engine hardware, and general-purpose hardware at issue.
3. **Familiarity of the Forum with the Law That Will Govern the Case.** The court found that this factor is neutral, as both forums are familiar with the law that will govern this case. Apple and Zentian agree on this factor's neutrality.
4. **Avoidance of Unnecessary Problems of Conflict of Laws or in the Application of Foreign Law.** The court found that this factor is neutral. There are no potential conflicts, and Apple and Zentian agree on this factor's neutrality.

For these reasons, Judge Albright found that Apple has met its burden of showing that the Northern District of California is a clearly more convenient forum.

Caitlin Rodgers, a Summer Associate in Winston's Houston office, assisted with this briefing.

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