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

The CALIFORNIA INSTITUTE OF TECHNOLOGY,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., and SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Civil Action No. 2:21-cv-446

**JURY TRIAL DEMANDED** 

# <u>PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO TRANSFER</u> <u>TO THE CENTRAL DISTRICT OF CALIFORNIA</u>



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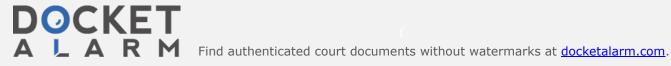
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### I. Introduction

Samsung's motion to transfer venue is built on a series of unsupported assertions that fail to coalesce in any way to warrant its requested relief. The Patents-in-Suit¹ are indisputably *not* covered by any license to Intellectual Ventures or, in turn, to Samsung. None of the Patents-in-Suit , nor are the Patents-in-Suit . Indeed, the parties to that agreement – Caltech and Cellular Elements (CE) – expressly agreed that

In any event, that is a question for a dispositive motion, which Samsung elected not to bring to this Court – instead opting for the procedural tactic of embedding its license defense within a belated transfer motion. This Court can readily dispense of Samsung's motion to transfer venue on its face because Samsung cannot invoke of a Patent License Agreement (PLA) between two other parties. Samsung is neither a . Allowing Samsung to claim rights under the agreement would be inconsistent with , and Samsung cannot meet the separate hurdle of showing that the . That clause very deliberately provides and Samsung . Finally, Samsung requests transfer pursuant to § 1404 without providing is not a full § 1404 analysis, further revealing the insufficiency of its motion.

# II. Samsung's motion to transfer – a thinly disguised effort to seek summary adjudication – fails across the board.

As shown below in Section III, Samsung can claim no license to the Patents-in-Suit. But Samsung has not asked the Court to render a ruling on a dispositive motion. To the contrary,

<sup>&</sup>lt;sup>1</sup> The "Patents-in-Suit" are U.S. Patent Nos. 7,116,710 ("the '710 Patent"), 7,421,032 ("the '032 Patent"), 7,916,781 ("the '781 Patent"), and 8,284,833 ("the '833 Patent").



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