

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION**

LUXPRO CORPORATION

PLAINTIFF

VS.

NO. 4-08-CV-4092 HFB

APPLE INC. f/k/a Apple Computer, Inc.

DEFENDANT

DEFENDANT APPLE INC'S MOTION TO TRANSFER

COMES now the Defendant, Apple Inc. f/k/a Apple Computer, Inc. (hereinafter "Apple"), and for its Motion to Transfer this matter to the Northern District of California, pursuant to 28 U.S.C. §1404(a), states:

1. Apple respectfully requests this Court to transfer this matter to the United States District Court for the Northern District of California pursuant to 28 U.S.C. §1404(a). Apple's Motion is Transfer is based upon the following:

(a) The Northern District of California is the only forum in the United States that has any connection to this dispute, Apple is located there and it is the location of relevant witnesses and documents.

(b) The Northern District of California is the most convenient forum for non-parties, it is the only District that would have the power to subpoena potential non-party witnesses to appear at trial.

(c) The Northern District of California would be substantially more convenient for the Plaintiff to litigate since Plaintiff is located in Taiwan.

(d) Plaintiff's choice of the Western District of Arkansas is also highly inconvenient to the parties.

2. The interests of justice favor transfer of this matter to the Northern District of California because, most importantly, California law governs this dispute, including one that is brought expressly pursuant to a California statute.

3. Apple is filing herewith a Brief in Support of the Motion to Transfer.

WHEREFORE, for the convenience of the parties and the witnesses, and in the interest of justice, Apple Inc. respectfully requests that this matter be transferred to the United States District Court for the Northern District of California, pursuant to 28 U.S.C. § 1404(a).

Respectfully submitted,

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BY: /s/ Kevin A. Crass
KEVIN A. CRASS

CERTIFICATE OF SERVICE

I, Kevin A. Crass, hereby certify that on December 19, 2008, the foregoing was electronically filed with the Clerk which shall send notification of such filing to the following:

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