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

WIRELESS RECOGNITION TECHNOLOGIES LLC,	§	
Plaintiff,	§	
vs.	§	Civil No. 2:10-CV-00364-JRG
A9.COM, INC., AMAZON.COM, INC., GOOGLE INC., NOKIA, INC., and RICOH INNOVATIONS, INC.,	§	
Defendants.	§	

WIRELESS RECOGNITION TECHNOLOGIES LLC,	§	
Plaintiff,	§	
vs.	§	Civil No. 2:10-CV-00365-JRG
NOKIA CORPORATION and RICOH COMPANY, LTD.,	§	
Defendants.	§	

WIRELESS RECOGNITION TECHNOLOGIES LLC,	§	
Plaintiff,	§	
vs.	§	Civil No. 2:10-CV-00577-JRG
A9.COM, INC., AMAZON.COM, INC., GOOGLE INC., NOKIA, INC., and RICOH INNOVATIONS, INC.,	§	
Defendants.	§	

WIRELESS RECOGNITION TECHNOLOGIES LLC,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil No. 2:10-CV-00578-JRG
	§	
NOKIA CORPORATION and RICOH COMPANY, LTD.,	§	
	§	
Defendants.	§	

DEFENDANTS' SUPPLEMENTAL BRIEF ADDRESSING THE IMPACT OF THE DISMISSAL OF RICOH INNOVATIONS, INC. AND RICOH COMPANY, LTD. ON THEIR MOTIONS TO TRANSFER

Defendants A9.com, Inc., Amazon.com, Inc., Google Inc., Nokia Inc., and Nokia Corporation respectfully submit this brief to address the impact that the dismissals of Ricoh Innovations, Inc. ("RII") and Ricoh Company, Ltd. ("RCL") from the above-captioned cases have on Defendants' pending motions to transfer (Dkt. Nos. 62 (2:10-cv-364), 21 (2:10-cv-365), 52 (2:10-cv-577), and 39 (2:10-cv-578)).

On March 23, 2011, all of the Defendants in the -364 case, including RII, moved to transfer that case to the Northern District of California for the reasons set forth in Dkt. Nos. 62 and 73. All of the Defendants in the -365, -577, and -578 cases subsequently filed motions to transfer those cases for the same reasons. At the time those motions were filed, RII was a defendant in the -364 and -577 cases, and RCL was a defendant in the -365 and -578 cases. Thus, in Defendants' supporting papers they addressed the Ricoh employees as party witnesses that were located in the proposed transferee venue.

On January 5, 2012, however, plaintiff Wireless Recognition Technologies, Inc. ("WRT") moved to dismiss RII from the -364 and -577 cases and RCL from the -365 and -578

cases. On January 9, the Court granted those motions. Those dismissals created a material change in fact regarding the pending motions to transfer because several RII employees, and in particular Jonathan Hull, are now relevant third-party witnesses (as opposed to party witnesses) located in the proposed transferee forum.

Despite the dismissal of RII, several RII employees remain relevant witnesses in these cases because of their contributions to the prior art. In their invalidity contentions, Defendants relied upon five patents on which RII employees are named inventors – U.S. Patent Nos. 5,465,353, 5,867,597, 6,104,834, 6,397,213, and 6,671,684. (*See* Ex. 1 at p. 5.) On the face of each of those patents, all of the inventors are identified as resident in the Northern District of California.[1] Defendants also relied upon a prior art publication by three of those same inventors as invalidating prior art. (*Id*. at p. 6 ("Document Image Matching Techniques").) And most significantly, Defendants identified one of those inventors and authors, Jonathan Hull, as a prior inventor of WRT's claimed inventions (*id*. at p. 7.), and in the supporting claim chart, Defendants cited to pages from Mr. Hull's notebook to corroborate his prior invention.

Now that the Ricoh entities have been dismissed from the four actions, the RII employees are no longer employees of a defendant in this matter. Rather, the RII employees, and in particular Mr. Hull, are now highly relevant third-party witnesses who are not subject to the subpoena power of this Court. By contrast, those witnesses are subject to the subpoena power of the Northern District of California and could be compelled to testify at trial.

Thus, Defendants contend that the dismissal of RII and RCL has merely strengthened their motions to transfer, and respectfully request that the Court grant those motions.

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[1] While one of the Ricoh prior art patents indicates that inventor Jonathan Hull resides in New York, the later-filed patents reflect that he moved to the Northern District of California. This fact is reflected by RII's declaration in support of the motion to transfer, which identifies Mr. Hull as resident in the Northern District of California. (*See* Dkt. No. 62, Exhibit E at ¶ 6.)

Dated: January 31, 2012

Respectfully submitted,

/s/ Michael C. Smith

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this 31st day of January, 2012.

/s/ Michael C. Smith
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