

EXHIBIT I

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8 ATTORNEYS FOR PLAINTIFF
9 INTERWOVEN, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

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13 INTERWOVEN, INC.,

14 Plaintiff,

15 vs.

16 VERTICAL COMPUTER SYSTEMS, INC.

17 Defendant.
18
19

Civil Case No.: 3:10-CV-04645

PLAINTIFF'S OPPOSITION TO MOTION
TO TRANSFER VENUE OR DISMISS

Date: January 20, 2011
Time: 1:30 pm
Courtroom 3 (17th Floor)
Honorable Richard Seeborg

1. Interwoven is Based in the Northern District of California, and its Witnesses and Documents are Likely to be Found Here

The presence of witnesses and documents concerning the accused products is often the most important consideration in balancing the convenience factors under 28 U.S.C. §1404(a). “In patent infringement cases, the bulk of the relevant evidence usually comes from the accused infringer. Consequently, the place where [the accused infringer’s] documents are kept weighs in favor of transfer to that location.” *Genentech Inc. v. Biogen Idec Inc.*, 566 F.3d 1338, 1348 (Fed. Cir. 2009). Interwoven has been based in San Jose since its founding in 1995. Vakil Decl. ¶ 2. The products accused in Vertical’s Texas complaint, including TeamSite 2006, were developed largely at Interwoven’s headquarters in San Jose. *Id.*, Ex. A at 26 (“[Interwoven’s] primary offices are located in a leased facility in San Jose, California.... The facility is used by our administrative, sales, marketing, engineering, customer support and services departments.”). To the extent that any witnesses with knowledge of the development of Interwoven’s software in general, and the products at issue in particular, as well as any of Interwoven’s financial and marketing professionals with knowledge relevant to damages, are concentrated in any one location, that location is likely to be San Jose. *Id.* Further, the bulk of the relevant documents concerning the development of Interwoven’s products is likely to be located at Interwoven’s San Jose headquarters.³ *Id.* Financial and marketing documents relevant to damages are also likely to be located at Interwoven’s San Jose headquarters, or at Autonomy’s headquarters in San Francisco.⁴ *Id.* None of these materials will be found in the Eastern District of Texas.

2. Vertical’s Connections to the Eastern District of Texas Appear to be Recently-Established, and it has Numerous Contacts with California—Including Contacts Related to this Dispute

³ Interwoven utilizes several facilities for research and development around the United States, including one in Austin, Texas (Austin is located in the Western, not the Eastern, District of Texas). Vakil Decl. ¶ 2, Ex. A at 8. However, it is Interwoven’s position that development relevant to this lawsuit occurred at its San Jose headquarters.

⁴ Vertical appears to place great weight on the fact that Interwoven was acquired by Autonomy Corporation, plc (“Autonomy”) in 2009. Putting aside for the moment the fact that this acquisition happened only last year, after Vertical began asserting its patents against Interwoven, and after the development of the products at issue, as clearly stated on Autonomy’s website, Autonomy maintains dual headquarters, including one in San Francisco, which is in the Northern District of California. According to readily available internet mapping services, it is approximately one and a half miles (or three BART stops) from Autonomy’s headquarters at 1 Market, Spear Tower, Suite 1900, San Francisco, CA 94105 to the courtroom in which this motion is pending. Vakil Decl. ¶¶3-4.