

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNILOC USA, INC., ET AL.,

Plaintiffs,

v.

NATIONAL INSTRUMENTS CORP.,
ET AL.,

Defendants.

Civil Action No. 6:10-cv-472-LED

JURY TRIAL DEMANDED

MOTION TO TRANSFER VENUE UNDER 28 U.S.C. § 1404(a)

Defendants National Instruments Corporation (“NI”), Adobe Systems Incorporated (“Adobe”), SafeNet, Inc. (“SafeNet”), CA, Inc. (“CA”), Pinnacle Systems, Inc. (“Pinnacle”), Sonic Solutions (“Sonic”), Onyx Graphics, Inc. (“Onyx”), Symantec Corp. (“Symantec”), Aladdin Knowledge Systems, Inc. (“Aladdin, Inc.”) and Aladdin Knowledge Systems, Ltd. (“Aladdin, Ltd.”) (collectively, the “moving *NI* Case Defendants”) hereby move pursuant to 28 U.S.C. § 1404(a) to transfer this case to the United States District Court for the District of Rhode Island. Defendants Pervasive Software, Inc. and FileMaker, Inc., do not oppose this motion.¹

As grounds for this motion, the moving *NI* Case Defendants hereby cite, rely upon, and incorporate herein the memorandum of points and authorities filed as Dkt. No. 73 on December 7, 2010 (Exhibit 1), the reply filed as Dkt. No. 92 filed on January 26, 2011 (Exhibit 2), and response to Uniloc’s sur-reply filed as Dkt. No. 104 filed on February 17, 2011 (Exhibit 3), in related Civil Action No. 6:10-cv-000373-LED. The defendants in that related case are likewise requesting transfer to the United States District Court for the District of Rhode Island.

¹ Although not parties to this motion, both have stated that this action might have been brought against them in Rhode Island.

Moreover, one of the moving *NI* Case Defendants is Aladdin, Inc. The Uniloc Plaintiffs previously sued Aladdin, Inc., on September 26, 2003, in the United States District Court for the District of Rhode Island, in the same lawsuit as Microsoft Corporation, for the same acts alleged to infringe here. (Exhibit 4, Uniloc's Rhode Island Complaint filed September 26, 2003). That prior case against Aladdin, Inc. was dismissed without prejudice. (Exhibit 5, Notice of Dismissal filed October 30, 2003). Having previously chosen the District of Rhode Island as an appropriate venue for its first case against Aladdin, Inc., the Uniloc Plaintiffs cannot credibly maintain that Rhode Island is an inappropriate forum for this case against Aladdin, Inc. and the other moving *NI* Case Defendants.

The moving *NI* Case Defendants are located throughout the country. Defendant NI has its principal place of business in the Western District of Texas. (Exhibit 6, Declaration of National Instruments at ¶2). Defendant Adobe has its principal place of business in California. (Exhibit 7, Declaration of Adobe at ¶2). Defendant SafeNet has its principal place of business in Maryland. (Exhibit 8, Declaration of SafeNet at ¶2). Defendant CA has its principal place of business in New York. (Exhibit 9, Declaration of CA at ¶2). Defendant Pinnacle has its principal place of business in California. (Exhibit 10, Declaration of Pinnacle at ¶2). Defendant Sonic has its principal place of business in California. (Exhibit 11, Declaration of Sonic at ¶2.) Defendant Onyx has its principal place of business in Utah. (Exhibit 12, Declaration of Onyx at ¶2.) Defendant Symantec has its principal place of business in California. (Exhibit 13, Declaration of Symantec at ¶2.) Defendant Aladdin, Ltd. has its principal place of business in Israel. (Exhibit 14, Declaration of Aladdin, Inc. and Aladdin, Ltd. at ¶2). Defendant Aladdin, Inc. has its principal place of business in Illinois. (*Id.* at ¶3). All of the moving *NI* Case Defendants are subject to personal jurisdiction in Rhode Island. (Exhibits 6-14 at ¶¶3-5).

Wherefore, for the foregoing reasons and those set forth in Exhibits 1 through 14, the moving *NI* Case Defendants respectfully request that this case be transferred to the United States District Court for the District of Rhode Island.

Dated: March 25, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

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