

## Federal Circuit Denies Petition for Writ of Mandamus, Affirming Judge Albright's Denial of Motion To Transfer

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On June 27, 2023, the Federal Circuit Court of Appeals denied OnePlus Technology's petition for a writ of mandamus, which sought to vacate the district court's denial of a motion to transfer.

Atlas Global Technologies brought suit in the Western District, and OnePlus moved to transfer the case to either the Central District of California or the Northern District of Texas. Judge Albright denied OnePlus's motion, and OnePlus petitioned the Federal Circuit to vacate the order and direct transfer.

The Federal Circuit reviews denials of § 1404(a) transfer under the law of the regional circuit, in this case the Fifth Circuit. The Fifth Circuit standard asks "whether the denial of transfer was such a 'clear abuse of discretion' that it produced a 'patently erroneous result.'"

In the order denying mandamus, the Court noted that the district court considered the relevant factors and found that OnePlus failed to establish that the Central District of California or the Northern District of Texas would be clearly more convenient. The Court highlighted the district court's finding that OnePlus had "no presence in either transferee forum," but did have a subsidiary within 90 miles of the Waco courthouse. The location of potential witnesses, location of records, and co-pendency of cases also weighed against transfer. The Court cited the Fifth Circuit standard from *In re Volkswagen* and concluded it was "unable to say 'the facts and circumstances were without any basis for a judgment of discretion'" for the district court's conclusion. *In re Volkswagen of Am., Inc.*, 545 F.3d 304, 312 n.7 (5th Cir. 2008) (en banc). Thus, the district court did not show a clear abuse of discretion in its denial of transfer, and the Federal Circuit denied OnePlus's petition for a writ of mandamus mandating transfer.

*Winston & Strawn Summer Associate Madeleine Nelson contributed to this article.*

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