

Federal Circuit Stays All Proceedings Pending WDTX Ruling on Motion To Transfer

FEBRUARY 2, 2021

In re SK hynix Inc., Case No. 2021-113 (Feb. 1, 2021).

The Federal Circuit doubles down on its Apple decision finding that “the district court’s handling of the transfer motion up until this point in the case has amounted to egregious delay and blatant disregard for precedent.” Specifically, Judge Moore writing for the court reiterated that “[a]lthough district courts have discretion as to how to handle their dockets, once a party files a transfer motion, disposing of that motion should unquestionably take top priority.” (citing *In re Apple, Inc.*, 979 F.3d 1332, 1337 (Fed. Cir. 2020).

Here, the plaintiff filed the patent infringement suit in March 2020 in the Western District of Texas, and the defendants moved to transfer to the Central District of California on May 4, 2020. The motion has been ripe for ruling since May 26, 2020. In the meantime, the parties were engaged in extensive discovery and the *Markman* hearing was set for March 19, 2021. On December 15, 2020, the defendants moved to stay proceedings pending disposition of the transfer motion, which the district court denied. The defendants then filed their petition for a writ of mandamus. Shortly thereafter, the district court set the motion to transfer hearing for February 2, 2021.

The Federal Circuit noted that the Western District had not given appropriate priority to the transfer motion, “as it simply lingered unnecessarily on the docket while the district court required the parties to proceed ahead with the merits.” The court ultimately directed the Western District of Texas to stay all proceedings concerning the substantive issues in the case until such time that it has issued a ruling on the transfer motion. The Federal Circuit also ordered the parties to “inform the court when the district court has issued such an opinion.”

View the Federal Circuit’s order [here](#).

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[Ahtoosa Amini Dale](#)

[Thomas M. Melsheimer](#)

Danielle Williams

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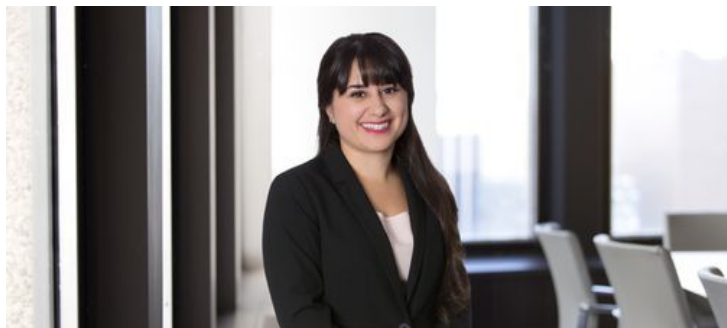
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Ahtoosa Amini Dale



Thomas M. Melsheimer



Danielle Williams

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