

## Judge Albright Finds S.D. California More Convenient Because S.D. California Already Had Familiarity with the Patents in Suit

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In its opposed motion, Google argued the Southern District of California was a proper and more convenient venue for the action. The court analyzed the four private and public factors laid out by the Fifth Circuit and ultimately granted Google's motion to transfer based on convenience.

**Private Interest Factors.** First, the Court found that the relative ease of access to sources of proof was neutral because Google maintained its headquarters in the Northern District of California and had sizeable offices in both Los Angeles (S.D. California) and Austin (W.D. Texas), meaning there is a high likelihood of relevant documents existing in both districts. Second, as to the availability of compulsory process to secure the attendance of witnesses, the factor weighed neutrally, as neither Google nor the plaintiff identified any unwilling witnesses. Third, the cost of attendance for willing witnesses favored transfer because the engineers working on the accused features were in Northern California, Google had other witnesses in Seattle, which is closer to S.D. California, and the plaintiff also had witnesses located in the S.D. California. Finally, the fourth factor, all other practical problems that make trial easy, expeditious, and inexpensive, weighed in favor of transfer because the plaintiff already brought several actions on the same patents in S.D. California. On the fourth factor, the Court noted that the same judge would likely hear this case against Google, and it would preserve judicial resources to have her hear the case that she is likely already familiar with.

**Public Interest Factors.** First, the court found that the administrative difficulties flowing from court congestion favored transfer because S.D. California already had familiarity with the technology and patents in suit, in addition to already construing claims. Second, the Court found that S.D. California has more localized interests, especially considering that the plaintiff is in San Diego. Third, the parties and the Court agreed that the familiarity of the forum with the law that would govern the case was a neutral factor. Fourth, the parties and the Court agreed that avoiding conflict of laws and application of foreign laws was a neutral factor.

In sum, two private interest factors and two public interest factors favored transfer. As a result, the Court found that the S.D. California was more convenient and the case should be transferred.

*Infogation Corp. v. Google LLC*, 6:20-CV-00366 (Order Granting Defendant's Motion to Transfer)

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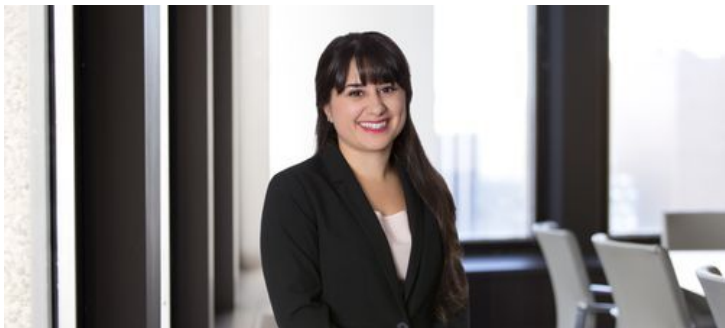
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