

Motion to Transfer Fails in View of a Waco-Based Plaintiff

JULY 16, 2021

In its opposed motion, Defendant Juniper Networks, Inc. (Juniper) submitted that the Northern District of California was a proper and more convenient venue for the action brought in Waco by WSOU Investments, LLC. The Court analyzed the four private and public factors laid out by the Fifth Circuit to determine whether transfer was appropriate and denied transfer.

Private Interest Factors. First, the Court found that the first factor, relative ease of access to sources of proof, was neutral. Specifically, the Court found that although Juniper may have documents located at its headquarters in California, the plaintiff claimed its documents and sources of proof are located in Waco at its office. Second, as to the availability of compulsory process to secure the attendance of witnesses, the factor weighed slightly against transfer, as Juniper did not show that there were any unwilling third-party witnesses that would be required to testify at trial. Juniper had alleged that prior art witnesses were located in California and would be unwilling to travel to Waco without support. Third, the cost of attendance for willing witnesses also weighed slightly in favor of transfer. Juniper identified eleven party witnesses in California, while the plaintiff identified two in Waco. Because the Court found it was unlikely that all of Juniper's witnesses would be testifying at trial, this factor weighed only slightly in favor of transfer. Finally, the Court found that the fourth factor, all other practical problems that make trial easy, expeditious, and inexpensive, was neutral.

Public Interest Factors. First, the Court found that trial would most likely resolve faster in the Western District of Texas based on the median time to trial; thus, this factor weighed against transfer. Second, the Court found that the Northern District of California did not have more localized interests, as Juniper did not demonstrate that development of the accused products took place entirely within the Northern District of California and the plaintiff's principal place of business was in Waco. 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.

The Court denied transfer, finding that only one factor weighed slightly in favor of transfer, while the remaining were either neutral or weighed against.

WSOU Investments, LLC d/b/a Brazos Licensing & Development v. Juniper Networks, Inc., 6:20-CV-00812 (Order Denying Defendant's Motion to Transfer)

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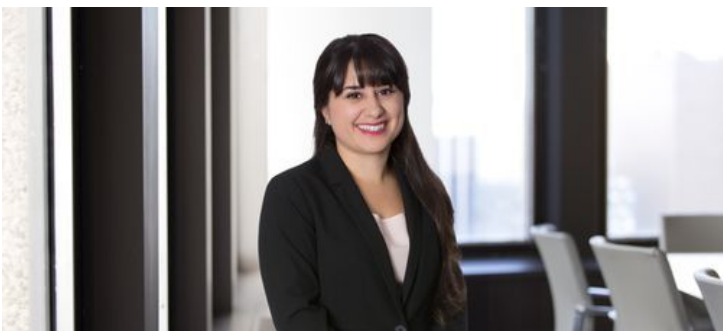
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