

Federal Circuit Denies Petition for Writ of Mandamus Directing Judge Albright To Vacate Order Denying Transfer

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VoIP-Pal.com has been engaged in patent litigation against Amazon in a number of different cases since 2018, including the instant case filed in June of 2021. Amazon filed a Motion to Transfer to the Northern District of California on November 19, 2021, asserting that the location of 28 of its employees in the Northern District of California weighed heavily in favor of transfer, as well as the presence of five non-party witnesses who could be compelled to the Northern District of California.

Judge Albright denied the Motion, owing largely to the fact that an ex-Amazon employee submitted a declaration that he oversaw a 40-person team in the Western District of Texas whose work related to the accused functionality of the accused products. Plaintiffs had also identified three non-party witnesses who could be compelled to testify in the Western District of Texas. Judge Albright further found that it could likely hold a trial sooner than if the case were transferred, and on balance found that Amazon had failed to show the transferee venue was clearly more convenient.

Amazon subsequently petitioned the Federal Circuit, which noted that the standard to establish its right to relief was a clear abuse of discretion that produced a patently erroneous result. The panel went on to find that Judge Albright considered all of the relevant factors, and that none of the findings were clearly erroneous. As such, on January 9, 2023, the court declined the petition and the case will not be transferred.

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