



## **ARE Patent Law Alert: Motions to Transfer are More Likely to be Granted in the E.D. of Texas**

*July 8, 2009*

*IN RE TS TECH USA CORPORATION, TS TECH NORTH AMERICA, INC., and TS TECH CANADA, INC.,  
Misc. Docket No. 888 (Fed. Cir. Dec. 29, 2008)*

The U.S. Court of Appeals for the Federal Circuit granted a mandamus petition in a patent infringement action brought in the Eastern District of Texas, where the district court refused to grant a motion to transfer. *In re TS Tech USA Corp.*, Misc. Docket No. 888 (Fed. Cir. Dec. 29, 2008). The Federal Circuit followed the recent ruling by the U.S. Court of Appeals for the Fifth Circuit granting a similar mandamus petition in *In re Volkswagen of Am., Inc.*, 545 F.3d 304, 315 (5th Cir. 2008) (en banc).

As reported on December 29, 2008 by IP Law 360, Joseph Casino, a former partner with Amster Rothstein & Ebenstein LLP, said this case won't be the death knell for patent litigation in the Eastern District of Texas. "Clearly a plaintiff will need more connection with the Eastern District than just relying on the plaintiff's choice of forum or that there have been some minimal sales in the Eastern District," Casino said. "But I still believe the judges there will be leery of transferring cases too easily. Historically, they have held onto the cases that have been filed there, and they are proud of their ability to handle patent cases. However, for the second time, a court of appeals has granted writ and sent a clear signal to the Eastern District that they can't keep a case just because it was filed there."

For more information on the law governing transfers motions see Joseph Casino & David Boag, [Transferring Cases Out of Eastern Dist. Of Texas](#), IP Law 360, October 15, 2008 (available at [www.arelaw.com/articles/articles.html](http://www.arelaw.com/articles/articles.html)) or contact one of our attorneys.

Please feel free to [contact us](#) to learn more about this decision and its impact on U.S. Patent law.