



Inter-Division Transfer in the Rocket Docket

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On May 19, ePlus, Inc. filed suit in the Rocket Docket against a

number of defendants for infringement of patents covering aspects of electronic sourcing and procurement systems. *ePlus, Inc. v. Lawson Software, Inc.*, Civ. Action No. 2:09-cv-00232 (E.D. Va.). No stranger to the Rocket Docket, ePlus has attempted to enforce these patents twice before in this Court. In a case filed in 2004, ePlus received a favorable jury verdict against Ariba in the Alexandria Division before Judge Brinkema, and subsequently, in a case against SAP where the same 79 claims asserted against Lawson were at issue, ePlus was left with a hung jury in the Richmond Division before Judge Spencer. Both cases settled after the jury returned. In this case, as with the other two, ePlus filed its complaint in the Alexandria Division, but as with the case against SAP, this case against Lawson was transferred to the Norfolk Division pursuant to the Court's patent rotation procedure. In Norfolk, the Defendants made a joint motion to transfer the case to Judge Spencer in Richmond, and the Court [obliged](#).

Analyzing the traditional factors under 28 U.S.C. section 1404(a), the Court concluded that the "interests of justice" factor was dispositive in this case. While giving short shrift to the Defendants' concerns over inconsistent results, the Court was persuaded that the judicial economy concern under this factor should carry the day, relying heavily on the Court's decision in *Mullins v. Equifax Info. Servs., LLC.*, 2006 WL 1214024 (E.D. Va. 2006). Specifically, because Judge Spencer was already familiar with the patents, had already construed the claims of many of them (despite the fact that his claim construction order was withdrawn at the parties' request after they settled the SAP case), and had presided over a multi-week jury trial on these patents, he was so much more familiar with them so as to enable him to preside over this case at much less cost, in terms of judicial resources.

Since receiving the case, Judge Spencer has reassigned the case to Judge Payne in the

Richmond Division, and consistent with the Rocket Docket's typical speed, the case has been set for a jury trial to begin on June 14, 2010.

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