



Vizio's Patent Infringement Suit Is Kicked To California

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The EDVA recently granted Funai Corporation's motion to transfer (previously reported in our blog [here](#)) and kicked Vizio, Inc.'s patent infringement case to the Central District of California in its August 7, 2009, [Order](#). In weighing the interests of justice, the Court determined that the mere fact of one percent of sales of the offending product in Virginia was not enough to keep the case pending in the Rocket Docket, especially in light of the substantial connections of both plaintiff and defendant's third-party manufacturers to California. While Vizio countered by arguing that despite the lack of connection to Virginia, the fact that the EDVA is a Rocket Docket should weigh against transferring the case, the Court recognized that while the docket conditions of the transferor and transferee courts may be considered, it would not give it commanding weight. The Court reasoned that if it allowed docket considerations to control, then all cases filed in the EDVA would be immune from transfer.

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