UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-1693 PA (FFMx)	Date	March 14, 2012
Title	Tramontane IP, LLC v. MiTAC Digital Corp., et al.		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE	
Paul Songco	N/A	N/A
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
None	None

Proceedings: IN CHAMBERS - ORDER TO SHOW CAUSE

Before the Court is a Complaint filed by plaintiff Tramontane IP, LLC ("Plaintiff"). The Complaint alleges claims of patent infringement against defendants MiTAC Digital Corporation and Mio Technology USA Ltd. (collectively, "Defendants"). This action was originally filed in the Eastern District of Virginia, but was transferred to this District pursuant to the stipulation of the parties. The Complaint alleges that Plaintiff has its principal place of business in Alexandria, Virginia. Defendant MiTAC Digital Corporation is a California corporation with its principal place of business in Santa Clara, California, and defendant Mio Technology USA Ltd. is a California corporation with its principal place of business in Fremont, CA. Notwithstanding the apparently tenuous connection between this action and this District, the parties have indicated their preference to litigate here.

The Court orders Plaintiff to show cause, in writing not to exceed 15 pages, why this action should not be transferred to the United States District Court for the Northern District of California (the "Northern District"). See 28 U.S.C. §§ 124(a), 1404(a). All factual matters relied upon in Plaintiff's submission must be supported by appropriate declarations and admissible evidence. To assist the Court in determining whether transfer is appropriate and in the interest of justice, Plaintiff is directed to address the following, in addition to sharing its beliefs as to which forum is more convenient for the parties and witnesses:

1. Whether this action could have been brought in the Northern District;

2. Whether venue is appropriate in the Northern District, and the Central District of California (the "Central District");

3. What contacts, if any, each of the parties has to the Central District and the Northern District. Plaintiff should include information regarding the location of the parties' administrative offices, real property, sources of revenue, and points of public contact;

4. What connection Plaintiff's causes of action have to the Central District and the Northern District;

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5. Which witnesses are expected to be called and where they reside;

6. The availability of compulsory process to compel attendance of unwilling non-party witnesses in the Central District as compared to the Northern District;

7. The ease of access to sources of proof in each of the five forums;

8. The expected difference in the cost of litigation in the Central District as compared to the Northern District; and

9. Whether there are any alternative forums, other than the Central District and the Northern District, that would be more convenient for this action, keeping in mind the inquiries above.

Plaintiff is ordered to file a response to this Order no later than March 24, 2012. Plaintiff is ordered to personally serve a copy of this Order on any defendant that has already been served with the Complaint within three (3) court days of the date of this Order or at the time of service for any defendant that has not already been served. Failure to timely respond to this Order may result in the dismissal of this action without prejudice. Any defendant who has been served with the Complaint may respond within seven days after Plaintiff's response has been filed.

IT IS SO ORDERED.