

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNWIRED PLANET, LLC,

Plaintiff,

vs.

APPLE, Inc.,

Defendant.

3:12-cv-00505-RCJ-VPC

ORDER

Plaintiff Unwired Planet, LLC is a Nevada limited liability company created on September 13, 2012, six days before it filed the present patent infringement lawsuit. Plaintiff's single member is Unwired Planet, Inc., a non-party California corporation created on June 27, 1995, Plaintiff's statutory agent is its Nevada counsel in the present case. Four months after it filed the present lawsuit, Plaintiff's Reno offices consisted of an empty room, and Unwired Planet, Inc.'s Reno offices consisted of an empty room at a different location, but with a temporary banner indicating its presence. Although Unwired Planet, Inc. created the technology and obtained the patents at issue in this case, and Plaintiff merely holds the patents for the purposes of creating venue in Nevada for this lawsuit (assuming for the sake of argument there has in fact been an assignment sufficient to give Plaintiff standing to sue), Plaintiff refers to both entities interchangeably in the Complaint in an apparent attempt to mislead the reader into thinking that the almost twenty years of development efforts were undertaken by Plaintiff itself in

1 Nevada, which is plainly not the case. In summary, it is clear beyond any doubt that Plaintiff was
2 created solely for the purpose of filing the lawsuit, that the witnesses and evidence are located
3 primarily, if not entirely, in California, in which state it will be more convenient for the parties to
4 litigate, and that the only meaningful contact of the parties or the lawsuit with Nevada is
5 Plaintiff's counsel. In such cases, transfer is eminently appropriate. *See In re Microsoft*
6 *Corporation*, 630 F.3d 1361, 1364–65 (Fed. Cir. 2011). Accordingly, and for the reasons given
7 in Defendant's pleadings, the Court grants the motion to transfer under § 1404(a). Plaintiff's
8 arguments in response that the non-party California corporation from whom Plaintiff obtained its
9 patents intends to move at least some offices to Reno is not so helpful. Few if any of Plaintiff's
10 Reno employees nor Unwired Planet, Inc.'s new Reno employees will be witnesses in the present
11 case, even assuming there is in fact any significant expansion or move to Reno. Apple's and
12 Unwired Planet, Inc.'s existing California employees, who have direct knowledge of the patent
13 issues in this case will be. Plaintiff's arguments and evidence concerning Apple's contacts with
14 Nevada in general are only relevant to the undisputed issue of personal jurisdiction, not
15 § 1404(a).

16 CONCLUSION

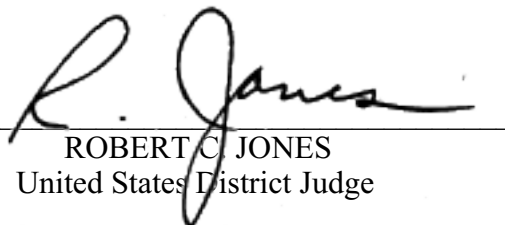
17 IT IS HEREBY ORDERED that the Motion to Transfer (ECF No. 37) is GRANTED.

18 IT IS FURTHER ORDERED that the Clerk shall TRANSFER the case to the Northern
19 District of California, close the case administratively in this District, and terminate all other
20 motions pending in this District.

21 IT IS SO ORDERED.

22 Dated this 30th day of August, 2013.

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ROBERT C. JONES
United States District Judge