

Delaware Patent Litigation Report



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Court recommends denying transfer to Texas

By **Morris James LLP** on August 10, 2016
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Smith International, Inc. v. Baker Hughes Incorporated, C.A. No. 16-56 – SLR-SRF, August 10, 2016.

Fallon, M. J. Report and recommendation recommending that defendant’s motion to transfer be denied.

The parties are both Delaware corporations with their principal places of business in Texas. Defendant seeks to transfer to Texas. The disputed technology relates oil and gas drilling equipment. Plaintiff’s choice of Delaware weighs against transfer. The court declines to elevate defendant’s choice of an alternate forum over plaintiff’s choice. The fact that the accused products are sold and used nationwide weighs against transfer. The convenience of the parties weighs against transfer. The convenience of the witnesses is neutral. Practical considerations are neutral, as are other public factors. The court recommends denying the motion to transfer.

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Morris James LLP
500 Delaware Avenue, Suite 1500 • PO Box 2306 • Wilmington, DE 19899-2306

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