

Illinois Witnesses Not Sufficient to Retain Case Where Michigan Witnesses Provide Same Proof

By R. David Donoghue on June 26th, 2013

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Addiction & Detoxification Institute, LLC v. Rapid Drug Detox Center, No. 11 C 7992, Slip Op. (N.D. Ill. Mar. 11, 2013) (Coleman, J.).

Judge Coleman granted defendant Rapid Detox's 28 U.S.C. § 1404(a) motion to transfer this patent infringement case to the Eastern District of Michigan. While Rapid Detox had a website and had patients from Illinois, the website did not specifically target Illinois residents and Rapid Detox's treatments all occurred in Michigan. Furthermore, to the extent that patients became necessary witnesses, there was no reason plaintiff could not use Michigan patients instead of the Illinois patients that it identified in the motion papers.

R. David Donoghue is a patent trial attorney and partner with Holland & Knight's Intellectual Property Group in Chicago. A trusted counselor to his retail and supply chain clients, Dave routinely speaks to groups of all sizes on an array of intellectual property topics. Chicago IP Litigation was created to help businesses understand their intellectual property rights and how to drive their cases to positive resolution.

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