

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

In re: ROKU, INC.,
Petitioner

2023-114

On Petition for Writ of Mandamus to the United States District Court for the Western District of Texas in No. 6:21-cv-01296-ADA, Judge Alan D. Albright.

ON PETITION

Before LOURIE, PROST, and WALLACH, *Circuit Judges*.
WALLACH, *Circuit Judge*.

O R D E R

Roku, Inc. petitions for a writ of mandamus directing the United States District Court for the Western District of Texas to vacate its denial of transfer and to transfer pursuant to 28 U.S.C. § 1404(a) to the United States District Court for the Northern District of California. IOENGINE, LLC opposes.

When adopting the recommendation of the magistrate judge to deny transfer, the district court found that: (1) despite Roku suggesting all of its potential employee witnesses are in Northern California, several Roku employees

are in Austin, Texas and “possess particularly relevant knowledge to this case,” Appx8; (2) the court could, if necessary, compel the testimony of third-party potential witnesses (including suppliers of components for the accused products, channel content creators, and three former Roku employees, including one who currently works for a relevant third-party supplier); (3) relevant sources of proof and custodians of that proof are in Austin; and (4) the court was likely to be faster in adjudicating the matter.

On mandamus, our review is limited to determining whether the denial of transfer was a “clear’ abuse of discretion” such that refusing transfer produced a “patently erroneous result,” *In re TS Tech USA Corp.*, 551 F.3d 1315, 1319 (Fed. Cir. 2008) (citation omitted). Here, the district court considered the relevant factors and found, based on the record evidence and perceived lack of credibility of Roku’s declarant, that Roku had failed to show the Northern District of California was clearly more convenient, particularly given the sources of proof and potential witnesses in the Western District of Texas. We cannot say “that the facts and circumstances are without any basis for a judgment of discretion” in this case. *In re Volkswagen of Am., Inc.*, 545 F.3d 304, 312 n.7 (5th Cir. 2008) (en banc) (citation omitted).

Accordingly,

IT IS ORDERED THAT:

The petition is denied.

FOR THE COURT

March 23, 2023

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner
Clerk of Court