

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ELECTRALED, INC.,

Plaintiff,

v.

ASTERA LED TECHNOLOGY GMBH,
ASTERA MANUFACTURING LIMITED,
AND ASTERA DISTRIBUTION LIMITED,

Defendants.

Case No. 2:24-cv-00512-JRG-RSP

JURY TRIAL DEMANDED

**ASTERA DEFENDANTS'
MOTION TO TRANSFER PURSUANT TO 28 U.S.C. § 1404(a)**

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I. INTRODUCTION

Pursuant to 28 U.S.C. § 1404(a), Defendants Astera LED Technology GmbH (“**Astera Germany**”), Astera Manufacturing Limited (“**Astera China**”), and Astera Distribution Limited (“**Astera Hong Kong**”) (collectively, the “**Astera Defendants**”) respectfully request that, for the convenience of the parties and witnesses and for the interests of justice, the Court transfer this lawsuit from the Eastern District of Texas (“**EDTX**”) to the Southern District of Florida (“**SDFL**”), which is a clearly more convenient venue.

The Eastern District of Texas has no connection to this case. Neither party has any tie to this District—Plaintiff ElectraLED, Inc. (“**ElectraLED**”) is incorporated and headquartered in Clearwater, Florida, and the Astera Defendants are non-U.S. companies based abroad with no connection to this District. Further, no relevant evidence or witnesses are located in this District, and the events leading to this case did not occur within this District.

In contrast, SDFL is “clearly a more convenient forum” for this litigation because the bulk of evidence and witnesses in this matter will be found in or near there. SDFL is where the importer and exclusive distributor of the accused products in the United States is located. ElectraLED itself is nearby too (about 250 miles away from the courthouse), and the same is true of the named inventors on the asserted patent, who appear to be in the Tampa Bay area. Additionally, SDFL is home to Chauvet & Sons, LLC (“**Chauvet**”), which ElectraLED has accused of infringing the asserted patent in a co-pending case before this Court and may have relevant prior art, among other things.

Because this case could have been brought in SDFL, and because both the private and public interest factors overwhelmingly favor transfer, this case should be transferred to SDFL.

II. FACTUAL BACKGROUND

On July 10, 2024, ElectraLED filed the Original Complaint against Astera Germany,

asserting U.S. Patent No. 7,651,245 (the “**’245 Patent**”). Dkt. 1, ¶¶ 10, 23-29. ElectraLED alleged that Astera Germany manufactures and sells light fixtures, *i.e.*, the AX9 Power Par (the “**Accused Products**”), that infringe the ’245 Patent. *Id.*, ¶ 21. On the same day, ElectraLED also filed a complaint against Chauvet, asserting the same patent. Complaint, *ElectraLED, Inc. v. Chauvet & Sons, LLC*, No. 2:24-cv-00511-JRG-RSP (E.D. Tex. July 10, 2024), Dkt. 1.

On October 28, 2024, Astera Germany filed a motion to dismiss the Original Complaint for lack of personal jurisdiction under Rule 12(b)(2) and for failure to state a claim under Rule 12(b)(6). Dkt. 9. In its motion, Astera Germany explained that it does not solicit or conduct business in the United States and thus is not subject to the jurisdiction of this Court and is not liable for infringement. *Id.* In response, ElectraLED filed a First Amended Complaint (“**FAC**”) on November 19, 2024. Dkt. 15. In the FAC, ElectraLED added Astera China and Astera Hong Kong as Defendants and alleged that the Astera Defendants act together and are jointly and severally liable for infringing the ’245 Patent. *Id.*

ElectraLED agreed to extend the deadline for all Defendants to respond to the FAC to January 17, 2025, in exchange for Astera China and Astera Hong Kong agreeing to waive service of the FAC and summons. Astera China and Astera Hong Kong sent executed waiver forms to ElectraLED on December 17, 2024. *See* Dkt. 23. On January 17, 2025, Astera Germany filed a motion to dismiss the FAC for lack of personal jurisdiction and for failure to state a claim (Dkt. 25), and Astera China and Astera Hong Kong filed a motion to dismiss the indirect and willful infringement claims in the FAC for failure to state a claim. Dkt. 26.

A. This Case Has No Connection to EDTX

First, ElectraLED has no presence in EDTX. It is organized under the laws of the State of Florida, with its principal place of business in Clearwater, Florida. Dkt 15, ¶ 1. It does not appear to have offices or employees in this District, and the FAC does not allege otherwise. Ex. 1.

Second, the Astera Defendants have no presence in this District. Astera Germany is a German company with its principal place of business in Munich, Germany. Dkt 15, ¶ 2; Declaration of Carl-Johan Sköld (“Sköld Decl.”), ¶ 3. Astera China is a Chinese company with its principal place of business in Shenzhen, China. Dkt 15, ¶ 5; Sköld Decl., ¶ 4. Astera Hong Kong is a company organized under the laws of Hong Kong SAR with its principal place of business in Hong Kong. Dkt 15, ¶ 7; Sköld Decl., ¶ 5. None of the Astera Defendants has employees or physical places of business in this District. Sköld Decl., ¶ 7. None of their relevant documentary evidence is stored in this District, and no foreseeable witnesses are in this District. *Id.*, ¶¶ 9-10.

Third, none of the events leading to this case occurred in this District or the State of Texas. The Accused Products are designed, developed, and manufactured outside the United States. *Id.*, ¶ 8. The primary operation, marketing, sales, and finance decisions regarding the Accused Products also occur outside the United States. *Id.* All inventors of the ’245 Patent reside in the Tampa Bay area of Florida. ’245 Patent at 1; Ex. 2. The prosecuting attorney of the ’245 Patent is based in Chicago. Ex. 3.

B. All Relevant Evidence and Witnesses Are in or Near SDFL

First, ElectraLED has its principal place of business in Clearwater, Florida, which is about 250 miles from the courthouse in SDFL (*i.e.*, a one-hour flight or several hour drive) and is an important source of witnesses and evidence. Ex. 4; Ex. 8. Similarly, all named inventors of the ’245 Patent, who are potential non-party witnesses, reside in the Tampa Bay area. ’245 Patent at 1; Ex. 2.

Second, non-party Show Cats LLC d/b/a Inner Circle Distribution (“**ICD**”), the importer and exclusive distributor of the Accused Products in the United States, is a Florida limited liability company with its principal place of business in SDFL. Dkt. 15 at 8; Sköld Decl., ¶ 11. ICD is the sole point of contact for warranty repairs and technical support of the Accused Products in the

United States. Sköld Decl., ¶ 11. ICD also handles all inquiries and complaints about the Accused Products in the United States. *Id.*, ¶ 12. Accordingly, ICD has substantial evidence related to the Accused Products, including importation and sales records, inventory, product manuals, and training materials, all of which is located in SDFL, and its employees who will be able to assist with identification and gathering of these relevant documents and things are also based in SDFL. *Id.*, ¶ 13. Moreover, all foreseeable ICD employees that have relevant knowledge of the Accused Products are based in SDFL. *Id.*, ¶ 14.

Third, non-party Chauvet, another alleged infringer of the '245 Patent, is located in SDFL, and has information highly relevant to the instant case, including information on prior art systems, non-infringing alternatives, and damages, among other things.

III. ISSUES REQUIRING RESOLUTION

Whether the case should be transferred to SDFL pursuant to 28 U.S.C. § 1404(a) because it is clearly more convenient to litigate this case there than in this District.

IV. STATEMENT OF LAW

A district court has discretion to transfer a civil action to any district where the case might have been filed “[f]or the convenience of the parties and witnesses” and “in the interests of justice[.]” 28 U.S.C. § 1404(a); *In re Volkswagen of Am., Inc.*, 545 F.3d 304, 315 (5th Cir. 2008) (*en banc*). The party seeking transfer bears the burden to demonstrate that “the transferee venue is clearly more convenient[.]” *Id.*

“The preliminary question under § 1404(a) is whether a civil action ‘might have been brought’ in the destination venue.” *Id.*, at 312. If the threshold inquiry is met, courts then weigh the relative convenience of the transferee district and the transferor district, based on private and public interest factors. *See e.g., SQIP, LLC v. Cambria Co., LLC*, 728 F. Supp. 3d 447, 453 (E.D. Tex. 2024) (granting motion to transfer after weighing the private and public interest factors). The

private interest factors include “(1) the relative ease of access to sources of proof; (2) the availability of compulsory process to secure the attendance of witnesses; (3) the cost of attendance for willing witnesses; and (4) all other practical problems that make trial of a case easy, expeditious, and inexpensive.” *Volkswagen*, 545 F.3d at 315. The public interest factors include “(1) the administrative difficulties flowing from court congestion; (2) the local interest in having localized interests decided at home; (3) the familiarity of the forum with the law that will govern the case; and (4) the avoidance of unnecessary problems of conflict laws or in the application of foreign law.” *Id.* None of these factors “can be said to be of dispositive weight.” *Id.*

The Fifth Circuit has recognized that denying transfer when “not a single relevant factor favors the [plaintiff’s] chosen venue” is an abuse of discretion. *Id.*, at 318; *see also In re TikTok, Inc.*, 85 F.4th 352, 358 (5th Cir. 2023) (granting mandamus when two factors favored transfer and the rest were neutral).

V. ARGUMENT

A. This Case Could Have Been Brought in SDFL.

As an initial matter, this case could have been brought in SDFL. First, SDFL has subject-matter jurisdiction over the case, as the claim for relief arises under federal patent law. 28 U.S.C. § 1338. Second, to the extent this Court finds that the Astera Defendants are subject to personal jurisdiction in Texas, then they are subject to personal jurisdiction in Florida for the same reasons.¹ Third, venue is proper as to the Astera Defendants in SDFL as the Astera Defendants are all foreign companies that do not reside in the United States. 28 U.S.C. § 1391(c)(3) (“[A] defendant not resident in the United States may be sued in any judicial district”); *In re HTC Corp.*, 889 F.3d 1349, 1357 (Fed. Cir. 2018) (applying § 1391(c)(3) to patent cases).

¹ Astera Germany filed a Renewed Motion to Dismiss the FAC for Lack of Personal Jurisdiction under Rule 12(b)(2) on January 17, 2025. Dkt. 25.

B. All Private Interest Factors Favor Transfer to SDFL.

1. *Private interest factor 1 (the “relative ease” of access to sources of proof) strongly favors transfer.*

“This factor relates to the ease of access to non-witness evidence, such as documents and other physical evidence[.]” *In re Apple Inc.*, 979 F.3d 1332, 1339 (Fed. Cir. 2020). “The question is *relative* ease of access, not *absolute* ease of access.” *TikTok*, 85 F.4th at 358 (quoting *In re Radmax, Ltd.*, 720 F.3d 285, 287 n.2 (5th Cir. 2013) (per curiam)) (emphasis in original). Accordingly, “this factor weighs in favor of transfer where the current district lacks any evidence relating to the case.” *Id.*

Here, there is no relevant documentary or physical evidence in this District, as no party has any presence here. ElectraLED is a Florida company that does not appear to have offices or employees in this District, and the FAC does not allege otherwise. Ex. 1. The Astera Defendants are all foreign companies that do not have employees or physical places of business in this District. Sköld Decl., ¶¶ 3-5, 7. None of the Astera Defendants’ relevant documentary evidence is stored in this District. *Id.*, ¶¶ 9-10.

On the other hand, documents related to the Accused Products are located in SDFL, where ICD, the importer and exclusive distributor of the Accused Products in the United States, is located. *Id.*, ¶¶ 11-13. These documents include importation and sales records of the Accused Products, Accused Product manuals, and training materials about the Accused Products. *Id.*, ¶ 13. In addition, ICD has inventory of the Accused Products in SDFL. *Id.* Relatedly, the ICD employees who will be able to assist with identification and gathering of these relevant documents and things are based in SDFL. *Id.*, ¶ 13. Moreover, it is easier to access evidence related to the invalidity of the ’245 Patent in SDFL. Both ElectraLED (the alleged owner of the ’245 Patent) and the named inventors of the ’245 Patent are located in the Tampa Bay area, which is only about 250 miles

away from the courthouse in SDFL (*i.e.*, a one-hour flight or several hour drive). Ex. 4; Ex. 8. Additionally, documents or physical evidence related to prior art (including prior art systems) is likely to be found in SDFL, where Chauvet is located. *See e.g.*, Ex. 6.

Because this District lacks any evidence related to this case, whereas relevant evidence is overwhelmingly located in or near SDFL, the “relative ease of access” to evidence is far greater in SDFL and thus this factor strongly weighs in favor of transfer. *Groupchatter, LLC v. Itron, Inc.*, No. 15-900, 2016 WL 2758480, at *3 (E.D. Tex. May 12, 2016) (finding this factor weighs in favor of transfer where no relevant documents are located in Texas); *Intelligent Automation Design, LLC v. Zimmer Biomet Holdings, Inc. et al.*, No. 5:16-cv-11-CMC, 2016 WL 4424967, at *3 (E.D. Tex. July 21, 2016) (same); *Fred Bergman Healthcare Pty Ltd. v. Seneca Sense Techs., Inc.*, No. 1:21-CV-1379, 2023 WL 6466698, at *5 (E.D. Va. Apr. 22, 2023) (granting transfer where no party has any connection to transferor venue while transferee venue is home to third-party distributor of defendant whose business records and employees are likely to be required as evidence).

2. *Private interest factor 2 (the availability of compulsory process to secure the attendance of witnesses) strongly favors transfer.*

The availability of compulsory process factor favors transfer “where multiple third-party witnesses ... are overwhelmingly located within the subpoena power of only the transferee venue.” *In re Hulu, LLC*, No. 2021-142, 2021 WL 3278194, at *4 (Fed. Cir. Aug. 2, 2021). “Even if not all witnesses testify, with nothing on the other side of the ledger, the factor strongly favors transfer.” *In re Samsung Elecs. Co., Ltd.*, 2 F.4th 1371, 1379 (Fed. Cir. 2021).

Here, material witnesses will come from non-party ICD, which is responsible for the importation, sale, distribution, service, and support of the Accused Products in the United States. Sköld Decl., ¶ 11. Employees of ICD who may be potential witnesses with relevant information

include:

- Ole Kaack – Mr. Kaack is the Chief Executive Officer of ICD and may have relevant knowledge regarding the importation, sales, and service of the Accused Products in the United States, among other things.
- Noel Duncan – Mr. Duncan is the Executive Director of ICD and may have relevant knowledge regarding the importation, sales, and service of the Accused Products in the United States, among other things.
- Filippo Frigeri – Mr. Frigeri is the VP of Sales and Marketing of ICD and may have relevant knowledge regarding the sales and marketing of the Accused Products in the United States, among other things.
- Ricardo Rodriguez – Mr. Rodriguez is an employee of ICD and may have knowledge regarding the technical service of the Accused Products in the United States, among other things.
- Peter Martin – Mr. Martin is an employee of ICD and may have relevant knowledge regarding the technical details of the Accused Products in the United States, among other things.

Id., ¶ 14. These ICD employees work in Davie, Florida, which is within the subpoena power of SDFL but not within the subpoena power of this District.

Additional material witnesses may come from non-party Chauvet, which similarly is located within the subpoena power of SDFL but not within the subpoena power of EDTX. Current and former employees of Chauvet are likely to have relevant knowledge of prior art systems, among other things, including prior art lighting products that are near-identical to what is being accused. *See e.g.*, Ex. 6.

Thus, private interest factor 2 weighs strongly in favor of transfer. *See, e.g., Hulu*, 2021 WL 3278194 at *3-4 (finding private factor 2 favors transfer where “movant has identified multiple third-party witnesses”); *Samsung*, 2 F.4th at 1379 (finding private factor 2 strongly favors transfer where many likely witnesses are in transferee venue and none are in transferor venue).

3. *Private interest factor 3 (the cost of attendance for willing witnesses) strongly favors transfer.*

In analyzing the cost of attendance, “the Fifth Circuit uses the 100-mile rule, which provides that when the distance between an existing venue for trial of a matter and a proposed venue under § 1404(a) is more than 100 miles, the factor of inconvenience to witnesses increases in direct relationship to the additional distance to be traveled.” *Apple*, 979 F.3d at 1341 (internal citations and quotation marks omitted). Further, “when there are numerous witnesses in the transferee venue and the only other witnesses are far outside the plaintiff’s chosen forum, the witness-convenience factor favors transfer.” *In re Google LLC*, No. 2021-170, 2021 WL 4427899, at *4 (Fed. Cir. Sept. 27, 2021).

Here, all the potential witnesses will have significantly shorter travel time if this case is transferred to SDFL. For example, potential third-party witnesses from ICD and Chauvet, all of whom are located in SDFL, will have their travel and cost of attendance minimized if the case is transferred. Further, ElectraLED’s witnesses and the named inventors of the ’245 Patent all reside in Florida, and it is much more convenient and cheaper for them to travel to Fort Lauderdale, Florida as compared to Marshall, Texas. The distance between ElectraLED and the courthouse in Fort Lauderdale is about 250 miles, which is a one-hour flight or several hour drive. Ex. 4; Ex. 8. By contrast, the distance between ElectraLED and the courthouse in Marshall is about 970 miles, which is over a 14-hour drive or at least a four-hour flight. Ex. 7; Exs. 9-10. Additionally, there are various options of non-stop flights from Tampa International Airport to Fort Lauderdale (Ex.

8), but all flights from Tampa to Longview or Shreveport Airports require transfer. Exs. 9-10.²

For Astera Defendants’ witnesses that are based in Munich, Germany, there is no direct flight to any airport near Marshall, whereas there is a nonstop flight from Munich to Miami, right next to Fort Lauderdale. Exs. 15-16; *Donegan v. Toro Co.*, No. EP-22-CV-00332-DCG, 2023 WL 3831793, at *7 (W.D. Tex. June 5, 2023) (“[T]he fact that there are more direct flights to and from airports in the [transferee] area further support[s] transfer.”). As to Astera Defendants’ witnesses that are based in Shenzhen, China or Hong Kong, there are no direct flights to either venue. It is most likely that they will have to transfer from San Francisco or Los Angeles, from which there are many non-stop options to Fort Lauderdale or Miami, whereas travelling to Marshall will require either a connection to Longview or Shreveport or a drive from Houston or Dallas. Ex. 17. As the Fifth Circuit has recognized, “additional travel time increases the probability for meal and lodging expenses; and additional travel time with overnight stays increases the time which these fact witnesses must be away from their regular employment.” *In re Volkswagen AG*, 371 F.3d 201, 205 (5th Cir. 2004).

Thus, the cost of attendance factor strongly weighs in favor of transfer. *See, e.g., TikTok*, 85 F.4th at 361 (finding this factor should weigh in favor of transfer where transferee venue is clearly more convenient for most relevant witnesses under the 100-mile rule).

4. *Private interest factor 4 (other practical problems that make trial of a case easy, expeditious, and inexpensive) strongly favors transfer.*

“Practical problems include those that are rationally based on judicial economy.” *Eolas Techs., Inc. v. Adobe Sys., Inc.*, No. 6:09-CV-446, 2010 WL 3835762, at *6 (E.D. Tex. Sept. 28, 2010). One practical consideration is “whether transfer would delay already protracted litigation.”

² There are non-stop options from Tampa to either Dallas’s or Houston’s international airports but both require an additional drive of at least two and a half hours. Exs. 11-12.

Kilbourne, 2018 WL 3954864, at *4. “Regular, ‘garden variety’ delay associated with transfer is not to be taken into consideration[.]” *Id.* Here, the case is still in the early stages. A docket control order was entered late last year, the parties have exchanged limited discovery, there have been no depositions, and the *Markman* hearing is not until October, 2025. Dkt. 18. Moreover, the parties are still in the process of briefing motions to dismiss the FAC. Dkt. 25; Dkt. 26; Dkt. 28.

As a result, given the early stage of this case, private interest factor 4 strongly favors transfer. *Kilbourne*, 2018 WL 3954864 at *4 (finding private factor 4 favors transfer where transfer motion was filed before protracted litigation).

C. The Public Interest Factors Either Favor Transfer or Are Neutral.

1. *Public interest factor 1 (the administrative difficulties flowing from court congestion) is at least neutral.*

At the outset, “when ... several relevant factors weigh in favor of transfer and others are neutral, then the speed of the transferee district court should not alone outweigh all of those other factors.” *In re Genentech, Inc.*, 566 F.3d 1338, 1347 (Fed. Cir. 2009). “To the extent that court congestion is relevant, the speed with which a case can come to trial and be resolved may be a factor.” *Id.* The Federal Circuit has noted that “this factor appears to be the most speculative” and “case-disposition statistics may not always tell the whole story.” *Id.* For instance, “a court’s general ability to set a fast-paced schedule is not particularly relevant to” the court congestion factor. *In re DISH Network L.L.C.*, No. 2021-182, 2021 WL 4911981, at *4 (Fed. Cir. Oct. 21, 2021) (quoting *In re Samsung Elecs. Co.*, 2 F.4th 1371, 1380 (Fed. Cir. 2021)). The Fifth Circuit has recognized that “to the extent docket efficiency can be reliably estimated, the district court is better placed to do so.” *In re Planned Parenthood Fed’n of Am., Inc.*, 52 F.4th 625, 631 (5th Cir. 2022).

To the extent relevant, per the Federal Court Management Statistics, judges in SDFL have an average of 310 cases pending from January 2023 through December 2023, compared to judges

in this District that had 821 cases pending. Ex. 13. For patent cases, on average over the past decade, it has taken about 25 months to trial in EDTX compared to 24 months in SDFL. Ex. 14. Accordingly, this factor is at least neutral.

2. *Public interest factor 2 (the local interest in having localized interests decided at home) strongly favors transfer.*

The local interest factor “most notably regards not merely the parties’ significant connections to each forum writ large, but rather the significant connections between a particular venue and the events that gave rise to a suit.” *Apple*, 979 F.3d at 1345 (internal citations and quotation marks omitted). The local interest factor strongly favors transfer because SDFL has significant interest in adjudicating this case, whereas this District has no connection to any of the events leading to this case.

SDFL’s local interest is significant because this lawsuit “calls into question the work and reputation of several individuals residing *in or near* that district and who presumably conduct business in that community.” *In re Hoffmann-La Roche Inc.*, 587 F.3d 1333, 1336 (Fed. Cir. 2009) (emphasis added). This case was brought by a Florida resident, ElectraLED, which is seeking relief based on the importation and sales of the Accused Products by another Florida resident, ICD. Moreover, ElectraLED seeks relief based on a patent, the ’245 Patent, whose named inventors are from Florida. Additionally, Chauvet, yet another Florida resident, is noted as a key source of relevant information and is also accused of infringing the ’245 Patent, further underscoring Florida’s strong local interest in adjudicating this case.

By contrast, this case has no connection to this District. As discussed, no party has a presence in this District. The Accused Products are designed, developed, and manufactured outside of the United States, and are sold in the United States exclusively via a third-party in Florida. There are no identified witnesses or evidence in this District. The FAC reveals no events uniquely

localized to this District because it cannot.

Given that SDFL has significant local interest whereas this District has none, this factor strongly favors transfer. *See e.g., DISH*, 2021 WL 4911981, at *3 (finding local interest factor favors transfer where connection to transferor forum is insubstantial compared to significant connection to transferee forum).

3 *Public interest factors 3-4 (familiarity of forum with law that will govern and avoidance of unnecessary problems of conflict laws or in application of foreign law) are neutral.*

Because this is a case involving federal patent law, the public interest factors regarding familiarity with governing law and the avoidance of unnecessary conflicts are neutral. Courts in this District and those in SDFL are equally familiar with patent law, which is federal (not state) law, and there are no conflicts or foreign law issues. *See e.g. Uniloc USA, Inc. v. Apple Inc.*, No. 2:17-CV-00258-JRG, 2017 WL 11553227, at *10 (E.D. Tex. Dec. 22, 2017) (finding both factors neutral in patent infringement cases).

V. CONCLUSION

For the reasons discussed above, the Astera Defendants respectfully request that this Court transfer this case to the Southern District of Florida pursuant to 28 U.S.C. § 1404(a).

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on February 14, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Kristel Gelera
Kristel Gelera