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

AVANT LOCATION TECHNOLOGIES, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 2:24-CV-00757-JRG
	§	
APPLE, INC.,	§	
	§	
Defendant.	§	
	§	

ORDER

Before the Court is Defendant Apple Inc.'s ("Apple") Motion to Dismiss Or, Alternatively, to Transfer to the Northern District of California. (Dkt. No. 33). Apple moves to dismiss this case for improper venue under Federal Rule of Civil Procedure 12(b)(3) ("Motion to Dismiss"). (*Id.* at 1). Alternatively, Apple moves to transfer the case to the Northern District of California under 28 U.S.C. § 1404(a) ("Motion to Transfer"). (*Id.*). Plaintiff Avant Location Technologies, LLC ("ALT") opposes the motions. (Dkt. No. 59). The Court heard oral arguments on the motions on August 28, 2025. (Dkt. No. 87).

Under these unique facts, the Court finds that the Apple Shop locations in Best Buy stores are physical places in the district that are regular and established places of business. *In re Cray Inc.*, 871 F.3d 1355, 1360 (Fed. Cir. 2017). However, under these unique facts, the Apple Shop locations have not been adequately shown to be places of Apple. *Id.* Accordingly, the Motion to Dismiss should be **GRANTED AS MODIFIED**. The Court determines that, in the interest of justice, the above-captioned case should be and hereby is **TRANSFERRED** to the United States District Court for the Northern District of Texas. 28 U.S.C. § 1406(a). The Clerk shall transfer the same forthwith.

So ORDERED and SIGNED this 29th day of September, 2025.

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE