

Case	Issue	Basis for Venue and Implication	Was Venue Proper?
<i>Treehouse Avatar LLC v. Valve Corp.</i> , No. 15-cv-427, 2017 WL 5564153 (D. Del. Nov. 20, 2017)	Online Businesses/ Websites	Maintaining an internet gaming platform which allows players to host a server on their computer does not qualify as a regular and established place of business.	Improper venue
<i>BMC Software, Inc. v. Cherwell Software, LLC</i> , No. 17-cv-01074 (E.D. Va. Dec. 21, 2017)	Online Businesses/Websites	A backup server on a rented rack in a warehouse does not qualify as a regular and established place of business.	Improper venue
<i>Peerless Network, Inc. v. Blitz Telecom Consulting, LLC</i> , No. 17-cv-1725, 2018 WL 1478047 (S.D.N.Y. Mar. 26, 2018)	Online Businesses/Websites	A shelf containing defendant's telecommunications equipment through which telecommunications traffic is directed does not qualify as a regular and established place of business.	Improper venue
<i>Precision Fabrics Group, Inc. v. Tietex Int'l, Ltd.</i> , No. 1:13-cv-645, 2017 WL 5176355 (M.D.N.C. Nov. 7, 2017)	Work from Home Employees	The home office of an employee, where employer did not represent the residence as its own place of business; employee maintained no inventory, sold no products directly to customers, and did not provide technical assistance to customers; and employer exercised no control over employee's residence, was not a regular and established place of business.	Improper venue

<p><i>Free-Flow Packaging Int'l, Inc. v. Automated Packaging Sys., Inc.</i>, No. 17-cv-01803, 2017 WL 4155347 (N.D. Cal. Aug. 29, 2017)</p>	<p>Work from Home Employees</p>	<p>Home of offices of employees were employees' choice of residence and not required by employer. Additionally, the district was only a small portion of the geographic area that employees covered.</p>	<p>Improper venue</p>
<p><i>BillingNetwork Patent, Inc. v. Modernizing Med., Inc.</i>, No. 17-5636, 2017 WL 5146008 (N.D. Ill. Nov. 6, 2017)</p>	<p>Work from Home Employees</p>	<p>Five work from home employees was not enough to establish venue, where defendant does not financially contribute for the employees' home, require them to live in the particular district, or publically advertise the employee's homes as places it conducts business.</p>	<p>Improper venue</p>
<p><i>Hand Held Prods., Inc. v. Code Corp.</i>, No. 2:17-cv-167, 2017 WL 3085859 (D.S.C. July 18, 2017)</p>	<p>Work from Home Employees</p>	<p>Defendant had a single, recently hired employee residing in the district who does not make sales or interact with customers in South Carolina and who maintains no inventory in South Carolina.</p>	<p>Improper venue</p>
<p><i>X2Y Attenuators, LLC v. Intel Corp.</i>, 1-17-cv-00164 (PAWD June 25, 2018, Order) (Bissoon, USDJ)</p>	<p>Work from Home Employee</p>	<p>Defendant had no possessory interest in home, no involvement regarding where employee lived, employment not conditioned on living in District, home not used to store or distribute products; home not held out to be place of Defendant's business, employee received no</p>	<p>Improper venue</p>

		business visitors at home and had no staff there.	
	Housing four employees at a university lab in the District	The University owns and controls the facility; employees designated as visitors; funding by Defendants to University covers tuition and research support, not the cost of housing employees; lab identified as University lab not Defendant's facility; and lab not publicly advertised or internally classified as Defendant's facility.	Improper venue
<i>CAO Lighting, Inc. v. Light Efficient Design</i> , No. 4:16-cv-00482, 2017 WL 4556717 (D. Idaho Oct. 11, 2017)	Sales Representatives and Distributors	Sales representatives who only visit Idaho occasionally, and are not direct employees of defendant, do not create a regular and established place of business.	Improper venue
<i>Regents of Univ. of Minn. v. Gilead Scis., Inc.</i> , No. 16-cv-2915, 2017 WL 4773150 (D. Minn. Oct. 20, 2017)	Sales Representatives and Distributors	Twelve employees in sales and marketing positions, who work from home, where they do not use administrative services in the state, do not stock products in the state, service customer's at the customer's physical place, and where the employer does not ratify or participate in the selection of the employee's home, cannot create a regular and established place of business.	Improper venue

<i>Cellular Dynamics Int'l, Inc. v. Lonza Walkersville, Inc.</i> , No. 17-cv-0027, 2017 WL 4046348 (W.D. Wis. Sept. 12, 2017)	Sales Representatives and Distributors	Sales managers who visit and solicit customers in the district, where there is no physical presence, no employees, and no inventory in the district, cannot create a regular and established place of business.	Improper venue
<i>Reflection, LLC v. Spire Collective LLC</i> , No. 17-cv-1603, 2018 WL 310184, at *4 (S.D. Cal. Jan. 5, 2018)	Sales Representatives and Distributors	There was no regular and established place of business based on the use of an Amazon fulfillment center in the district where the fulfillment centers are not physical locations of defendant and where defendant had no control over which fulfillment centers its products would go to.	Improper venue
<i>Hildebrand v. Wilmar Corp.</i> , No. 17-cv-02821, 2018 WL 1535505 (D. Colo. Mar. 29, 2018)	Sales Representatives and Distributors	Physical locations of distributors do not establish regular and established place of business for defendant.	Improper venue
<i>SportPet Designs Inc. v. Cat1st Corp.</i> , No. 17-cv-0554, 2018 WL 1157925 (E.D. Wis. Mar. 2, 2018)	Sales Representatives and Distributors	An Amazon fulfillment center is not defendant's place of business where defendant does not own or control the facility and does not employ anyone there.	Improper venue
<i>Jarratt v. Amazon.com, Inc.</i> , No. 5:16-cv-05302, 2017 WL 3437782 (W.D. Ark. Aug. 10, 2017)	Physical Presence	Corporate headquarters are inarguably a regular and established place of business.	Yes, proper venue
<i>Intellectual Ventures II LLC, v. Fedex Corp.</i> , No. 2:16-cv-00980, 2017 WL 5630023 (E.D. Tex. Nov. 22, 2017)	Physical Presence	The various FedEx locations established in the district are not merely places from	Yes, proper venue

		which Defendants happen to carry out business because of an employee or a customer. These locations are stores and facilities operated by Defendants for their business purposes and held out to consumers (advertised on website and branded from the outside with the FedEx logo) as places from which customers can tap into Defendants' vast shipping network.	
<i>Mallinckrodt IP v. B. Braun Medical Inc.</i> , No. 17-cv-365, 2017 WL 6383610 (D. Del. Dec. 14, 2017)	Physical Presence	The defendant did not have a physical presence in Delaware through its appointment of an agent for service of process.	Improper venue
	Distinct Corporate Entities	There was a possibility that defendant and its subsidiaries may not maintain separate corporate formalities where publically available information shows that the companies share executive officers.	Venue related discovery allowed
<i>Symbology Innovations, LLC v. Lego Sys., Inc.</i> , 282 F. Supp. 3d 916 (E.D. Va. 2017)	Distinct Corporate Entities	Three stores owned by a subsidiary, where there was no evidence presented that the corporate separateness between defendant and its subsidiaries was mere fiction, did not create venue.	Improper venue
<i>Post Consumer Brands, LLC v. General Mills, Inc.</i> , No. 4:17-cv-2471, 2017 WL	Distinct Corporate Entities	Except where corporate formalities are ignored and an alter ego	Improper venue

4865936 (E.D. Mo. Oct. 27, 2017)		relationship exists, the presence of a corporate relative in the district does not establish venue.	
<i>UCB, Inc. v. Mylan Techs., Inc.</i> , No. 17-cv-322, 2017 WL 5985559 (D. Del. Dec. 1, 2017)	Distinct Corporate Entities	There was a possibility that one or more of the 40 subsidiaries of defendants in Delaware have places that are attributable to defendants.	Venue related discovery allowed
<i>Soverain IP, LLC v. AT&T, Inc.</i> , No. 2:17-cv-00293, 2017 WL 5126158 (E.D. Tex. Oct. 31, 2017), <i>report and recommendation adopted</i> , No. 2:17-cv-00293, 2017 WL 6452802 (E.D. Tex. Dec. 18, 2017)	Distinct Corporate Entities	AT&T Services and AT&T Inc. do not lack formal corporate separateness.	Improper venue
<i>T-Jat Sys. 2006, Ltd. v. Expedia, Inc. (DE)</i> , No. 16-cv-581, 2018 WL 1525496 (D. Del. Mar. 28, 2018)	Distinct Corporate Entities	Regular and established place of related business entity is not the basis for venue for defendant.	Improper venue
<i>Jarratt v. Amazon.com, Inc.</i> , No. 5:16-cv-05302, 2017 WL 3437782 (W.D. Ark. Aug. 10, 2017)	Cases Where Venue was Found	Corporate headquarters inarguably a regular and established place of business.	Yes, proper venue
<i>Intellectual Ventures II LLC, v. Fedex Corp.</i> , No. 2:16-cv-00980, 2017 WL 5630023 (E.D. Tex. Nov. 22, 2017)	Cases Where Venue was Found	The various FedEx locations established in this District are not merely places from which Defendants happen to carry out business because of an employee or a customer. These locations are stores and facilities operated by Defendants for their business purposes and held out to consumers (advertised on website and branded from the	Yes, proper venue

		outside with the FedEx logo) as places from which customers can tap into Defendants' vast shipping network.	
<i>Geodynamics, Inc., v. Dynaenergetics US, Inc.</i> , No. 2:17-cv-00371, 2017 WL 6452803 (E.D. Tex. Dec. 18, 2017)	Cases Where Venue was Found	Defendant had one employee in Tyler and was moving a distribution center to Marshall.	Yes, proper venue
<i>Bristol-Myers Squibb Co. v. Mylan Pharm. Inc.</i> , No. 17-cv-379, 2017 WL 3980155 (D. Del. Sept. 11, 2017)	Activity Related to Infringement	The business activity which creates a regular and established place of business does not have to be related to the infringement.	Venue related discovery allowed
		Infringement for ANDA filers includes the future act, the intent to market in a particular district.	Venue related discovery allowed
<i>Blackbird Tech LLC v. Cloudflare, Inc.</i> , No. 17-cv-283, 2017 WL 4543783 (D. Del. Oct. 11, 2017)	Activity Related to Infringement	Defendants made and used the accused functionality in California and not all of the alleged infringing activity needs to have occurred within California so long as some act of infringement took place there.	Venue found in CA
<i>Galderma Labs., LP v. Actavis Labs. UT, Inc.</i> , 3:17-cv-01076 (N.D. Tex. Nov. 17, 2017)	Activity Related to Infringement	The act of infringement is the submission of the ANDA for ANDA/Hatch-Waxman cases.	Improper venue
<i>Talsk Research Inc. v. Evernote Corp.</i> , No. 16-cv-2167, 2017 WL 4269004 (N.D. Ill. Sept. 26, 2017)	Timing of Venue Determination	Venue is lodged in the district if defendant had a regular and established place of business at the time the cause of action accrued and the suit is filed within a reasonable time thereafter.	Improper venue

<i>Personal Audio, LLC v. Google, Inc.</i> , 280 F. Supp. 3d (E.D. Tex. 2017)	Timing of Venue Determination	Venue is analyzed based on facts as of the date suit is filed.	Improper venue
<i>ParkerVision, Inc. v. Apple Inc.</i> , 3:15-cv-01477 (M.D. Fla. Jan. 9, 2018)	Timing of Venue Determination	Venue is determined based on the facts at the time the cause of action accrued and if the plaintiff filed the complaint within a reasonable time thereafter.	Yes, proper venue
<i>Infinity Computer Products, Inc. v. OKI Data Americas, Inc.</i> , 2:12-cv-06797 (E.D. Pa. Feb. 23, 2018)	Timing of Venue Determination	Venue is not determined within a short while after the cause of action accrued.	Improper venue
<i>In re BigCommerce, Inc.</i> , 890 F.3d 978, 986 (Fed. Cir. 2018)	Multiple Districts	Corporations “reside” only in the single judicial district within a state where they maintain a principal place of business, or where their registered office is located.	Yes, proper venue
<i>California Expanded Metal Prod. Co. v. Klein</i> , No.1:80-cv-0242, 2018 WL 2041955 (C.D. Cal. Apr. 30, 2018)	Multiple Causes of Action	Where patent and non-patent claims are asserted in a case, the venue provisions in section 1400(b) for patent claims are controlling.	Improper venue