

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
CATHY L. WALDOR
UNITED STATES MAGISTRATE JUDGE

MARTIN LUTHER KING COURTHOUSE
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REPORT & RECOMMENDATION

Re: Indivior, et al. v. Alvogen Pine Brook, Inc.
Civil Action No. 2:17-cv-7106-KM-CLW

Dear Counsel:

This matter comes before the Court by way of referral from the Honorable Kevin McNulty to issue a report and recommendation regarding Defendants', Alvogen Pine Brook, Inc. and Alvogen Pine Brook LLC (collectively "Alvogen"), request to transfer this case to the District of Delaware under 28 U.S.C. § 1404(a). This motion was originally filed on January 25, 2018. The Court heard Oral Argument on this Motion on July 10, 2018. For the reasons set forth below, the Court recommends the Motion to Transfer be **DENIED**.

DISCUSSION

The facts of this case are virtually identical to those in *Indivior, et al. v. Dr. Reddy's Laboratories, S.A. et al.*, No. 2:17-cv-7111-KM-CLW, and the Court incorporates its Report and Recommendation in the aforementioned case (henceforth "DRL R&R") herein. The Court recognizes that unlike in the DRL R&R, the Defendants in the instant matter have a principal place of business in New Jersey and were incorporated in Delaware. As more fully outlined in the DRL R&R, while proper venue in the District of Delaware is relevant to determine if transfer would even be permissible, it is in no way dispositive. As explained in the DRL R&R, venue would not be proper for DRL in the District of Delaware. If the Court were to transfer this matter to the District of Delaware, the result would be parallel litigations in two separate districts concerning the exact same patents—certainly, this would not promote judicial economy.

CONCLUSION

For all of the foregoing reasons, this Court recommends that the District Judge deny Defendant's Motion to Transfer and that ECF No. 12 be terminated accordingly.

The parties have 14 days to file and serve objections to this report and recommendation pursuant to Local Rule 72.1(c)(2) from the date this report is filed with the Clerk of the Court.

Dated: July 12, 2017

s/Cathy L. Waldor

CATHY L. WALDOR
United States Magistrate Judge