

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

Miscellaneous Docket No. 914

IN RE NINTENDO CO., LTD. and NINTENDO OF AMERICA INC.,

Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the Eastern District of Texas in case no. 08-CV-429, Judge Leonard Davis.

## ON PETITION FOR WRIT OF MANDAMUS

Before RADER, Circuit Judge.

### ORDER

Nintendo Co., Ltd. and Nintendo of America, Inc. (Nintendo) submit a petition for a writ of mandamus to direct the United States District Court for the Eastern District of Texas to vacate its June 30, 2009 order denying Nintendo's motion to transfer venue, and to direct the Texas district court to transfer the case to the United States District Court for the Western District of Washington.

Upon consideration thereof,

IT IS ORDERED THAT:

Motiva, LLC is directed to respond no later than November 9, 2009.

FOR THE COURT

OCT 20 2009

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Peter A. Bicks, Esq.  
Christopher D. Banys, Esq.  
Clerk, United States District Court for the Eastern District of Texas

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**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

OCT 20 2009

JAN HORBALY  
CLERK