

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

**WORLD WIDE MEDICAL TECH.
LLC., et al.,**

Plaintiffs,

vs.

CASE NO. 4:11cv614/RS-CAS

CORE ONCOLOGY, INC., et al.,

Defendants.

ORDER

Plaintiff brought this patent infringement suit against eight defendants. (*See* Doc. 39). Plaintiff claims that each of the Defendants sold the infringing products within this district. *Id.* at ¶ 16. Plaintiff does not allege that the Defendants acted in concert or that they share liability.

Accused patent infringers may be joined in one action where “any right to relief is asserted against the parties jointly, severally, or in the alternative with respect to or arising out of the same transaction [or] occurrence.” 35 U.S.C.A. § 299(a)(1). “Accused infringers may not be joined in one action as defendants or . . . or have their actions consolidated for trial, based solely on allegations that they each have infringed the patent” *Id.* at § 299(b). This recently enacted provision supports and clarifies the federal rules on joinder for patent cases. Fed. R. Civ. P. 20(a) does not permit unrelated parties who manufacture or sell similar products, which may have infringed upon the same

patent, to be joined as defendants in the same suit. *See Brandywine Communs. Techs., LLC v. Verizon Communs., Inc.*, 2012 U.S. Dist. LEXIS 20724 (M.D. Fla. 2012).

Some defendants argue that the most appropriate remedy for mis-joinder is dismissal of claims and dropping of parties. In the interest of efficiency, I decline to do this. Fed. R. Civ. P. 21 allows claims to be severed, and this will allow for the quickest resolution of these matters.

IT IS ORDERED:

1. The Clerk is directed to open a separate case for each defendant.
2. Because it appears that common questions of law are involved in these eight patent infringement cases, the cases shall be consolidated for the purpose of pre-trial matters pursuant to Fed. R. Civ. P. 42(a).
3. During this phase, all pleadings shall be filed **only** in case 4:11cv614/RS-CAS.
4. The parties do not need to re-file any documents.

ORDERED April 11, 2012.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE