

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

O2COOL, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 12 C 3204
	)	
DISCOVERY COMMUNICATIONS, LLC,	)	
et al.,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER


In Case No. 12 C 2109, limited liability company O2COOL, LLC ("O2COOL") attempted to expand its original Complaint against Windy City Novelties, Inc. ("Windy City") by adding three unrelated defendants as alleged infringers of one of the two O2COOL patents involved in the Windy City action. This Court swiftly issued an April 26, 2012 memorandum order finding that the new defendants had been improperly added to the suit against Windy City, and O2COOL's counsel promptly complied with this Court's directive by filing a Second Amended Complaint dropping the newcomers.

Now O2COOL has filed a new Complaint against two of the three defendants that had been added to, then dropped from, Case No. 12 C 2109. Despite the long odds (25 to 1 or so), this District Court's computerized random assignment system has also delivered the new case to this Court's doorstep, and that assignment has occasioned the issuance of this memorandum order.

Although it appears that the generous venue provisions

applicable to patent infringement actions allow this suit to be instituted in this judicial district, both defendants' headquarters are far removed from here: Discovery Communications, LLC is sited in Delaware (Complaint ¶3) and MerchSource, LLC is located in California (Complaint ¶4). To be sure, Complaint ¶6 identifies the sale of an allegedly infringing product in Downers Grove, Illinois, but it remains to be seen whether 28 U.S.C. §1404(a) will be called into play by either or both defendants.

In the meantime this Court is contemporaneously issuing its customary initial scheduling order. At the appointed status hearing date, the parties should be prepared to discuss venue as well as other threshold subjects.



---

Milton I. Shadur  
Senior United States District Judge

Date: May 3, 2012