

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

MYKEY TECHNOLOGY, INC.

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v.

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Civil No. – JFM-12-2841

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CPR TOOLS, INC, ET AL.

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**MEMORANDUM**

Defendant Logicube, Inc. has filed a motion to transfer this action to the Central District of California pursuant to 28 U.S.C. § 1404(a). The motion will be granted.

Unquestionably, the Central District of California is a proper venue for the litigation of this action. Therefore, the factors that I should consider in determining whether to transfer the action are (1) plaintiff's choice of venue, (2) witness convenience and access (3) convenience of the parties, and (4) the interest of justice. *D2L Ltd. v. Blackboard, Inc.*, 671 F. Supp. 768, 778 (D.Md. 2009).

Plaintiff's choice of venue is, of course, entitled to deference. Here, however, plaintiff's first venue choice was Delaware. Thus, to some extent, in this case plaintiff's interest in pursuing the case in Maryland is somewhat diminished. *See MyKey v. ICS*, 8:12-cv-02719-JFM, docket 31 at 2); *Cronos Containers, Ltd. v. Amazon Lines, Ltd.*, 121 F. Supp. 2d 461, 465 (D. Md. 2000); *Glaxo Group Ltd. v. Genentech, Inc.*, 2010 WL 1445666, at \*4 (N.D. Cal., April 12, 2010).

The second factor weighs heavily in favor of transfer. Logicube has identified several potential witnesses who reside in California. Plaintiff has not rebutted this showing.

As to the third factor, it clearly is in the interest of Logicube that the litigation proceed in California because Logicube is a California corporation with its principal business in Chatsworth, California. In contrast, plaintiff apparently has two principal places of business, one of which is located in Folsom, California. Moreover, this court has previously transferred *MyKey v. ICS* to the Central District of California. It is worthy of note that plaintiff itself identified *ICS* as a case that is “related” to this case. *MyKey v. ICS*, 8:12-cv-02719-JFM, D.I. 14).

I find the “interest of justice” factor to be neutral in this case. Unquestionably, the Central District of California is entirely competent to handle this case in an efficient manner. However, although Logicube has cited statistics showing that cases proceed to trial faster in the Central District of California than they do in Maryland, I have no question that this case could be efficiently litigated here as well.

A separate order of transfer is being entered herewith.

Date: March 28, 2013

/s/  
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J. Frederick Motz  
United States District Judge