


1 Thus, a court analyzes three factors: chronology of the lawsuits, similarity of the parties, and
2 similarity of the issues.” Kohn Law Group, Inc. v. Auto Parts Mfg. Miss., Inc., __ F.3d __, 2015
3 WL 3499923, at *2 (9th Cir. June 4, 2015) (internal citations, quotation marks, and alterations
4 omitted). The first-to-file rule “is not a rigid or inflexible rule to be mechanically applied, but
5 rather is to be applied with a view to the dictates of sound judicial administration.” Decker Coal
6 Co. v. Commonwealth Edison Co., 805 F.2d 834, 844 (9th Cir. 1986).

7 Having reviewed the complaints and the memoranda submitted by the parties, the Court
8 finds that transfer is appropriate. This action was filed after the District of New Jersey action and
9 involves the same parties. Although the issues are not identical – each side is accusing the other
10 of false advertising regarding the competing products – they are substantially similar, which is
11 all that is required. Kohn Law Group, 2015 WL 3499923, at *3. Forcing two district courts to
12 understand and evaluate the competing products, the parties’ past interactions, the regulatory
13 approval process, and the relevant advertising campaigns would be inefficient and poses the risk
14 of inconsistent factual findings. In addition, principles of comity suggest that this Court step
15 aside in favor of the District of New Jersey.

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17 For all of the foregoing reasons, defendant’s motion to transfer venue is
18 GRANTED. The Clerk of Court is directed to transfer this matter to the District of New Jersey
19 as related to Hilin Life Prods., Inc. v. Fairhaven Health, LLC, C15-1629 MCA-LDW.

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21 Dated this 20th day of July, 2015.

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24 _____
25 Robert S. Lasnik
26 United States District Judge