

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CERTIFIED A TRUE COPY
KAREN MITCHELL, CLERK

By s/ THOMAS DREW
DEPUTY CLERK
U.S. DISTRICT COURT, NORTHERN
DISTRICT OF TEXAS
June 12, 2018

IN RE: IRON OAK TECHNOLOGIES, LLC,
PATENT LITIGATION

MDL No. 2835

TRANSFER ORDER

Before the Panel:* Microsoft Corporation, an accused infringer and declaratory judgment plaintiff or intervenor in three actions, moves under 28 U.S.C. § 1407 to centralize this litigation in the Northern District of Texas. This litigation currently consists of 12 actions pending in four districts, as listed on Schedule A. Patentholder Iron Oak Technologies, LLC, supports centralization of this litigation in the Northern District of Texas. All accused infringers represent that they do not oppose Microsoft's motion.¹

At issue in this litigation is the alleged infringement of Iron Oak's U.S. Patent Nos. 5,699,275, titled "system and method for remote patching of operating code located in a mobile unit," and U.S. Patent No. 5,966,658, titled "automated selection of a communication path." The inventions in the '275 and '658 patents allegedly relate to processes used to remotely update computer operating software on computer laptops, tablets, smartphones, smart TVs, and smart printers through wired, Wi-Fi, and cellular connections to the internet.

On the basis of the papers filed and the hearing session held, we find that these actions involve common questions of fact, and that centralization will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All actions involve factual questions about the alleged infringement, validity, and enforceability of Iron Oak's '275 and '658 patents. Iron Oak commonly asserts that the manufacturer's accused products² directly and

* Judge Sarah A. Vance and Judge Ellen Segal Huvelle took no part in the decision of this matter.

¹ Acer America Corporation and Acer Incorporated (Acer); ASUSTeK Computer Inc. (ASUS); Dell Inc.; HP Inc.; Huawei Device USA, Inc., Huawei Device Co.Ltd., and Huawei Device (Dongguan) Co. Ltd. (Huawei); Fujitsu America, Inc.; Lenovo (United States) Inc. and Lenovo Holding Company, Inc. (Lenovo); Samsung Electronics America, Inc., and Samsung Electronics Company, Ltd. (Samsung); Sharp Electronics Corporation and Sharp Corporation (Sharp); Toshiba America Information Systems, Inc., and Toshiba Corporation (Toshiba); and ZTE (USA), Inc.

² The accused products are computer laptops, tablets, smartphones, smart TVs, and smart printers allegedly manufactured and sold by Acer, ASUS, Dell, Fujitsu, HP, Huawei, Lenovo, Samsung, Sharp, Toshiba, and ZTE, and also Microsoft products, services, and technology that include an automatic update or automatic network connection feature.

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indirectly infringe the patents with respect to systems for remote patching or updating of operating code and automated selection of a communications path on wired, Wi-Fi, and cellular connections to the internet. Similarly, the declaratory judgment action by Microsoft seeks a declaration of noninfringement of the '275 and '658 patents as to Microsoft products, services, and technology – in particular, the Windows operating system and automatic update and connection features – which allegedly are broadly used across devices, including many made by the accused infringers.

We conclude that the Northern District of Texas is an appropriate transferee district for this litigation. Patentholder Iron Oak Technologies, LLC, and its two principals, who are the inventors of the patents in issue, are located in this district. Additionally, all parties support, or do not oppose, this district, where seven of the twelve actions are pending. Judge Barbara M.G. Lynn is an experienced transferee judge who can steer this litigation on a prudent course.

IT IS THEREFORE ORDERED that the actions listed on Schedule A and pending outside the Northern District of Texas are transferred to the Northern District of Texas and, with the consent of that court, assigned to the Honorable Barbara M.G. Lynn for coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Marjorie O. Rendell
Acting Chair

Charles R. Breyer
R. David Proctor

Lewis A. Kaplan
Catherine D. Perry

**IN RE: IRON OAK TECHNOLOGIES, LLC,
PATENT LITIGATION**

MDL No. 2835

SCHEDULE A

District of Delaware

IRON OAK TECHNOLOGIES, LLC v. LENOVO (UNITED STATES), INC., ET AL.,
C.A. No. 1:17-01153

Eastern District of Texas

IRON OAK TECHNOLOGIES, LLC v. HUAWEI DEVICE USA, INC., ET AL.,
C.A. No. 2:17-00744

Northern District of Texas

IRON OAK TECHNOLOGIES, LLC v. FUJITSU AMERICA, INC., ET AL.,
C.A. No. 3:16-03319
IRON OAK TECHNOLOGIES, LLC v. TOSHIBA AMERICA, INC., ET AL.,
C.A. No. 3:16-03320
IRON OAK TECHNOLOGIES, LLC v. ASUSTEK COMPUTER, INC.,
C.A. No. 3:16-03322
IRON OAK TECHNOLOGIES, LLC v. SAMSUNG ELECTRONICS AMERICA, INC.,
ET AL., C.A. No. 3:17-01259
IRON OAK TECHNOLOGIES, LLC v. SHARP ELECTRONICS CORPORATION,
ET AL., C.A. No. 3:17-02699
IRON OAK TECHNOLOGIES, LLC v. ZTE CORPORATION, ET AL.,
C.A. No. 3:17-03112
MICROSOFT CORPORATION v. IRON OAK TECHNOLOGIES, LLC,
C.A. No. 3:18-00222

Western District of Texas

IRON OAK TECHNOLOGIES, LLC v. DELL INC., C.A. No. 1:17-00999
IRON OAK TECHNOLOGIES, LLC v. HP INC., C.A. No. 1:17-01068
IRON OAK TECHNOLOGIES, LLC v. ACER AMERICA CORPORATION, ET AL.,
C.A. No. 6:17-00143