

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|------------------------------|---|-------------------------|
| UNIVERSAL SECURE REGISTRY,) |) | |
| LLC,) |) | |
| |) | |
| Plaintiff,) |) | |
| |) | |
| v.) |) | Civ. No. 17-585-CFC-SRF |
| |) | |
| APPLE INC., VISA INC. and) |) | |
| VISA U.S.A., INC.,) |) | |
| |) | |
| Defendants.) |) | |

ORDER

At Wilmington this Twenty-fifth day of June in 2020:

WHEREAS, Defendants moved to transfer this action to the Northern District of California (D.1. 21);

WHEREAS, in a Report and Recommendation (D.I. 137) issued pursuant to 28 U.S.C. § 636(b), the Magistrate Judge recommended that the Court deny Defendants’ motion to transfer;

WHEREAS, Defendants filed objections to that recommendation (D.I. 147);

WHEREAS, a motion to transfer is not a dispositive motion for purposes of § 636(b)(1) and is reviewed under the deferential “clearly erroneous or contrary to law” standard set forth in § 636(b)(1)(A), *Agincourt*

Gaming LLC v. Zynga Inc., No. CV 11-720-RGA, 2013 WL 3936508, at *2 (D. Del. July 29, 2013); and

WHEREAS, the Court has reviewed the Report and Recommendation and Defendants' objections and concurs with the Magistrate Judge's determination that, considered in their totality, the factors set forth in *Jumara v. State Farm, Ins. Co.*, 55 F.3d 873 (3d Cir. 1995), weigh against transfer;¹

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. The Magistrate Judge's recommendation that the Court deny the transfer motion is ADOPTED;
2. Defendants' objections to the Magistrate Judge's recommendation that the Court deny the transfer motion are OVERRULED; and
3. Defendants' motion to transfer (D.I. 21) is DENIED.


United States District Judge

¹ The Court notes that Plaintiff's forum choice should have been given "paramount consideration" and, therefore, that its choice of venue weighed strongly, as opposed to slightly, against transfer. See *Realtime Data LLC v. Egnyte, Inc.*, 2018 WL 5724040 (D. Del. Nov. 1, 2018); *VLSI Tech LLC v. Intel Corp.*, 2018 WL 5342650 (D. Del. Oct 29, 2018).