

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: POINTWISE VENTURES, LLC**  
**(’812) PATENT LITIGATION**

MDL No. 3147

**ORDER DENYING TRANSFER**

**Before the Panel:**\* Defendant Wayfair LLC moves under 28 U.S.C. § 1407 to centralize this litigation in the Northern District of California, District of Delaware, Northern District of Illinois, District of New Mexico, or any convenient jurisdiction other than the Eastern District of Texas and Western District of Texas. This litigation consists of ten actions pending in the Eastern District of Texas and one action pending in the Western District of Texas, as listed on Schedule A. Plaintiff Pointwise Ventures LLC opposes centralization, and alternatively suggests centralization in the Eastern District of Texas or Western District of Texas. Defendant Google LLC likewise opposes centralization, but alternatively suggests centralization in the Northern District of California.

On the basis of the papers filed and the hearing session held, we conclude that centralization is not necessary for the convenience of the parties and witnesses or to further the just and efficient conduct of the litigation. While there is some factual overlap among these actions because plaintiff asserts U.S. Patent No. 8,471,812 (the ’812 patent) against every defendant, “these actions are being litigated in a manner that is likely to lead to their resolution, whether through settlement or other means, within a relatively short period of time.” *In re Brandywine Commc’ns Techs., LLC, Pat. Litig.*, 959 F. Supp. 2d 1377, 1378 (J.P.M.L. 2013).

To date, Pointwise Ventures has asserted the ’812 patent in a total of 29 cases. Thirteen cases were settled and dismissed in their infancy before Wayfair moved for centralization. Two actions on the motion and one potentially related action were dismissed during the pendency of Wayfair’s motion. The parties in another action recently moved to stay their case deadlines so they can finalize a settlement. If that settlement finalizes, only ten actions and two potentially related actions will remain. Eleven of those twelve cases are pending before a single judge. None of the cases involving the ’812 patent have progressed through claim construction. Based on these facts, centralization is more likely to hinder, rather than promote, the orderly and efficient resolution of these cases. *See In re Blue Spike, LLC, Pat. Litig.*, 278 F. Supp. 3d 1379, 1381 (J.P.M.L. 2017) (denying centralization of patent litigation where only nine of 33 actions remained pending, several actions were dismissed during the pendency of the motion to centralize, the

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\* Judge David C. Norton did not participate in the decision of this matter.

dismissed actions only progressed far enough for three of the 34 asserted patents to have claims construed, and claim construction had not occurred in the pending actions).

IT IS THEREFORE ORDERED that the motion for centralization of these actions is denied.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Karen K. Caldwell". The signature is written in black ink and is positioned above a horizontal line.

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Karen K. Caldwell  
Chair

Nathaniel M. Gorton  
Roger T. Benitez  
Madeline Cox Arleo

Matthew F. Kennelly  
Dale A. Kimball

**IN RE: POINTWISE VENTURES, LLC  
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**SCHEDULE A**

Eastern District of Texas

POINTWISE VENTURES LLC v. ALIBABA GROUP HOLDING LIMITED,  
C.A. No. 2:24-00182  
POINTWISE VENTURES LLC v. BLIPPAR LTD., C.A. No. 2:24-00183  
POINTWISE VENTURES LLC v. GLORITY GLOBAL GROUP LIMITED,  
C.A. No. 2:24-00187  
POINTWISE VENTURES LLC v. IKEA NORTH AMERICA SERVICES, LLC,  
C.A. No. 2:24-00188  
POINTWISE VENTURES LLC v. ROADGET BUSINESS PTE. LTD.,  
C.A. No. 2:24-00189  
POINTWISE VENTURES LLC v. LOWE’S COMPANIES, INC., C.A. No. 2:24-00808  
POINTWISE VENTURES LLC v. YOOX-NET-A-PORTER GROUP S.P.A.,  
C.A. No. 2:24-00809  
POINTWISE VENTURES LLC v. WAYFAIR INC., C.A. No. 2:24-00811  
POINTWISE VENTURES LLC v. PENNEY OPCO LLC, C.A. No. 2:24-00813  
POINTWISE VENTURES LLC v. MACY’S INC., C.A. No. 2:24-00814

Western District of Texas

POINTWISE VENTURES LLC v. GOOGLE LLC, C.A. No. 6:24-00293