

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Factor2 Multimedia Systems, LLC v. TikTok Inc.

Civil Action No. 24-133 (RC) (D.D.C. June 18, 2025) · No. 24-133 (RC) · Decided June 18, 2025

SUMMARY

The United States District Court for the District of Columbia granted TikTok Inc.'s motions to seal and motion to transfer Factor2 Multimedia Systems, LLC's patent infringement action to the Northern District of California under 28 U.S.C. § 1404(a). The court found that the private and public interest factors, including the location of relevant witnesses, technical operations, and operative facts, favored transfer. The court denied TikTok's motion to dismiss without prejudice to refiling in the transferee district.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Rudolph Contreras
JURISDICTION	United States District Court for the District of Columbia
DECIDED	June 18, 2025
DOCKET	24-133 (RC)
DISPOSITION	transferred
PROCEDURAL POSTURE	Plaintiff brought a patent-infringement action in the District of Columbia. Defendant moved to transfer under 28 U.S.C. § 1404(a), moved to seal portions of its transfer papers and supporting declarations, and moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	Transfer under 28 U.S.C. § 1404(a) is discretionary and requires an individualized, factually analytical, case-by-case determination of convenience and fairness; the moving party bears the burden of establishing that transfer is proper. Motions to seal are evaluated under the six-factor Hubbard balancing test. The Rule 12(b)(6) motion was not decided.
PRECEDENTIAL VALUE	Unknown; federal district court memorandum opinion.

TOPICS

- venue
- personal jurisdiction
- civil procedure
- patent infringement
- motions to dismiss

PRACTICE AREAS

civil procedure

patent litigation

sealing of judicial records

QUESTIONS PRESENTED

1. Whether the action should be transferred from the District of Columbia to the Northern District of California under 28 U.S.C. § 1404(a).
2. Whether the Northern District of California was a district in which the action might have been brought, including whether it had proper venue and personal jurisdiction over TikTok.
3. Whether portions of TikTok’s transfer motion, reply, and supporting declarations should be filed under seal under the Hubbard factors.
4. Whether TikTok’s Rule 12(b)(6) motion should be decided by the District of Columbia court before transfer.

HOLDINGS

1. Transfer to the Northern District of California was warranted because the balance of private and public interest factors favored that district.
2. The Northern District of California was a district in which the action might have been brought because venue was proper there and TikTok was subject to personal jurisdiction there.
3. TikTok’s motions to seal were granted because the Hubbard factors, considered together, favored narrowly tailored protection of confidential business information.
4. The court did not decide the Rule 12(b)(6) motion and denied it without prejudice to refiling in the Northern District of California after transfer.

KEY QUOTATIONS

“The decision to transfer a case is discretionary, and a district court must conduct “an individualized, ‘factually analytical, case-by-case determination of convenience and fairness.’”” (Section III.A)

“The Court will therefore grant TikTok’s motion to transfer.” (Section IV.A)

“Defendant’s motion to transfer and motions to seal are granted. Defendant’s motion to dismiss is denied without prejudice to be re-filed upon transfer.” (Section V)

FACTUAL BACKGROUND

Factor2, a Virginia-based non-practicing corporation, owns six patents concerning two-factor authentication using a second computing device and a temporary code. It alleged that TikTok’s video-sharing platform directly and indirectly infringes those patents. TikTok is incorporated and principally based in California, and its application and backend two-factor-verification system are developed, implemented, tested, maintained, and distributed principally in the Northern District of California, while relevant witnesses and third-party distributors are located in California or China. Factor2 had no apparent connection to the District of Columbia, and its identifiable employees and patent-related principals were located in Virginia.

PROCEDURAL HISTORY

Factor2 initially sued TikTok Inc. and Bytedance, Inc. on twelve patent-infringement counts. Factor2 later filed a second amended complaint dropping the claims against Bytedance. TikTok moved to transfer the case to the Northern District of California, moved to seal portions of its transfer briefing and supporting materials, and moved to dismiss under Rule 12(b)(6). The court granted the motions to transfer and seal and denied the motion to dismiss without prejudice to refiling in the transferee district.

DISPOSITION

transferred

REMAND INSTRUCTIONS

The action is to be transferred to the United States District Court for the Northern District of California. TikTok may refile its Rule 12(b)(6) motion in the transferee district.

CASES CITED

- New Hope Power Co. v. U.S. Army Corps of Eng'rs, 724 F. Supp. 2d 90, 94-95 (D.D.C. 2010)
- SEC v. Savoy Indus. Inc., 587 F.2d 1149, 1154 (D.C. Cir. 1978)
- Greater Yellowstone Coal. v. Bosworth, 180 F. Supp. 2d 124, 127, 129 (D.D.C. 2001)
- Fed. Housing Fin. Agency v. First Tenn. Bank Nat'l Ass'n, 856 F. Supp. 2d 186, 190 (D.D.C. 2012)
- Virts v. Prudential Life Ins. Co. of Am., 950 F. Supp. 2d 101, 104 (D.D.C. 2013)
- Smith v. Yeager, 234 F. Supp. 3d 50, 55 (D.D.C. 2017)
- TC Heartland LLC v. Kraft Food Grp. Brands LLC, 581 U.S. 258, 267-68 (2017)
- In re Sealed Case, 932 F.3d 915, 922 (D.C. Cir. 2019)
- Jimenez v. R & D Masonry, Inc., No. 15-cv-1255, 2015 WL 7428533, at *3 (D.D.C. Nov. 20, 2015)
- Trout Unlimited v. U.S. Dep't of Agric., 944 F. Supp. 13, 17 (D.D.C. 1996)
- In re Apple, Inc., 979 F.3d 1332, 1345 (Fed. Cir. 2020)
- In re Acer America Corp., 626 F.3d 1252, 1256 (Fed. Cir. 2010)
- Cyph, Inc. v. Zoom Video Commc'ns, Inc., No. 21-cv-03027, 2022 WL 1184894, at *2-3 (D. Colo. Jan. 27, 2022)
- Mazzarino v. Prudential Ins. Co. of Am., 955 F. Supp. 2d 24, 31 (D.D.C. 2013)
- Tower Labs., Ltd. v. Lush Cosms. Ltd., 285 F. Supp. 3d 321, 326 (D.D.C. 2018)
- JetBlue Airways Corp. v. Helferich Patent Licensing, LLC, 960 F. Supp. 2d 383, 400 (E.D.N.Y. 2013)
- Sheffer v. Novartis Pharms. Corp., 873 F. Supp. 2d 371, 377 (D.D.C. 2012)
- Nat'l Wildlife Fed'n v. Harvey, 437 F. Supp. 2d 42, 49 (D.D.C. 2006)
- United States v. H & R Block, Inc., 789 F. Supp. 2d 74, 84 (D.D.C. 2011)
- In re Leopold to Unseal Certain Elec. Surveillance Applications & Ords., 964 F.3d 1121, 1127 (D.C. Cir. 2020)

- Metlife, Inc. v. Fin. Stability Oversight Council, 865 F.3d 661, 663, 665 (D.C. Cir. 2017)
- United States v. Hubbard, 650 F.2d 293, 317-22 (D.C. Cir. 1981)
- Friedman v. Sebelius, 672 F. Supp. 2d 54, 57 (D.D.C. 2009)
- New York v. Microsoft Corp., No. 08-cv-1233, 2002 WL 649385, at *1 (D.D.C. Mar. 28, 2002)
- Nixon v. Warner Commc'ns, 435 U.S. 589, 598 (1978)
- United States v. All Assets Held at Bank Julius Baer & Co., 520 F. Supp. 3d 71, 83 (D.D.C. 2020)
- Hyatt v. Lee, 251 F. Supp. 3d 181, 185 (D.D.C. 2017)
- Hamiduva v. Obama, No. 08-cv-1221, 2015 WL 5176085, at *3 (D.D.C. Sept. 3, 2015)
- United States ex rel. Durham v. Prospect Waterproofing, Inc., 818 F. Supp. 2d 64, 69 (D.D.C. 2011)
- EEOC v. Nat'l Children's Ctr., Inc., 98 F.3d 1406, 1409 (D.C. Cir. 1996)

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