

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Guillermo Alfonso Salazar-Velasquez v. Robert Alan Soltis, et al.

Salazar-Velasquez v. Soltis · No. 5:25-cv-00323-SSS (SHK) · Decided March 14, 2025

SUMMARY

The United States District Court for the Central District of California ordered the plaintiff to show cause why his patent-related action should not be dismissed without prejudice for improper venue. The court explained that venue must be established separately for each defendant under 28 U.S.C. § 1400(b) and gave the plaintiff 30 days to identify proper venue, seek transfer, or request dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Sunshine Suzanne Sykes
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 14, 2025
DOCKET	5:25-cv-00323-SSS (SHK)
DISPOSITION	other
PROCEDURAL POSTURE	The district court sua sponte issued an order to show cause concerning whether venue was proper in the Central District of California. The order required the plaintiff to explain why the action should not be dismissed without prejudice for improper venue, or alternatively to explain the propriety of transfer under 28 U.S.C. § 1406(a).
STANDARD OF REVIEW	A federal court may raise venue on its own motion, and the plaintiff bears the burden of establishing that venue is proper.
PRECEDENTIAL VALUE	Unknown; the document is a district-court order to show cause and contains no reporter citation.

TOPICS

- venue
- patent infringement
- civil procedure

PRACTICE AREAS

- Civil procedure
- Patent law
- Venue

QUESTIONS PRESENTED

1. Whether the court may raise the issue of venue sua sponte.
2. Whether plaintiff adequately alleged that venue was proper in the Central District of California under 28 U.S.C. § 1400(b).
3. Whether venue in a patent infringement action must be established separately as to each defendant.
4. Whether plaintiff should be required to show cause why the action should not be dismissed without prejudice or transferred for improper venue.

HOLDINGS

1. A federal court may raise the issue of venue on its own motion.
2. The plaintiff bears the burden of establishing that venue is proper.
3. In a patent infringement action involving multiple defendants, venue must be established individually as to each defendant.

KEY QUOTATIONS

“Any civil action for patent infringement may be brought in the judicial district where the defendant resides or where the defendant has committed acts of infringement and has a regular and established place of business.”

“In patent infringement cases involving multiple defendants, venue must be established as to each defendant.”

FACTUAL BACKGROUND

Plaintiff, a federal inmate, sued two private attorneys whom he had hired in connection with a patent application. He alleged that the attorneys withheld a certificate issued by the United States Patent Office, took possession of the patent without authorization, received monetary benefits from the invention, and refused to communicate with him. The complaint identified one defendant as residing in Portage, Michigan, and the other as residing in Kamuela, Hawaii, but did not allege facts establishing venue in the Central District of California.

PROCEDURAL HISTORY

Plaintiff filed a motion-complaint on February 3, 2025, asserting claims concerning defendants' handling of his patent application and patent-related property. He later requested leave to proceed without prepayment of filing fees. Before screening or resolving the merits, the court examined venue sua sponte and ordered plaintiff to show cause within thirty days.

DISPOSITION

other

CASES CITED

- Costlow v. Weeks, 790 F.2d 1486, 1488 (9th Cir. 1986)

- *Piedmont Label Co. v. Sun Garden Packing Co.*, 598 F.2d 491, 496 (9th Cir. 1979)
- *Tour Technology Software, Inc. v. RTV, Inc.*, 377 F. Supp. 3d 195, 210 (E.D.N.Y. 2019)
- *Nazomi Communications, Inc. v. Nokia Corporation*, 2010 WL 11508956, at *7 (C.D. Cal. June 21, 2010)

OPINION

CIVIL MINUTES – GENERAL Case No. 5:25-cv-00323-SSS (SHK) Date: March 14, 2025 Title Guillermo Alfonso Salazar-Velasquez v. Robert Alan Soltis, et al. Present: The Honorable: Sunshine Suzanne Sykes, United States District Judge Irene Vazquez N/A Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiff: Attorneys Present for Defendants: N/A N/A Proceedings (In Chambers): Order to Show Cause Re: Venue On February 3, 2025, Plaintiff, a federal inmate, filed a “Motion-Complaint.” [Dkt.

1]. On March 7, 2025, he filed a Request to Proceed Without Prepayment of Filing Fees. [Dkt. 3]. The Defendants are two private attorneys Plaintiff had hired in relation to Plaintiff’s patent application. [Dkt. 1 at 2]. Defendants allegedly “kept the Certificate issued by U.S. Patent Office from [Plaintiff], but they also took possession of the Patent without proper authorization from [Plaintiff] and have received monetary benefits of unknown amount from the invention and still refuse to communicate with [Plaintiff] as [Plaintiff] has tried unsuccessfully to communicate with both the Patent Attorneys.” *Id.* at 3.

A federal court may raise the issue of venue on its own motion. *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986). A plaintiff in a civil action has the burden of establishing that venue is proper. *Piedmont Label Co. v. Sun Garden Packing Co.*, 598 F.2d 491, 496 (9th Cir. 1979). “Any civil action for patent infringement may be brought in the judicial district where the defendant resides or where the defendant has committed acts of infringement and has a regular and established place of business.” 28 U.S.C. § 1400(b).

Here, Plaintiff fails to allege why venue is proper in the Central District of California. According to the Motion-Complaint, one of the Defendants resides in Portage, Michigan, while the other Defendant resides in Kamulea, Hawaii. [Dkt. 1 at 7].

Moreover, “[i]n patent infringement actions, venue must be established individually as to each defendant named in the action.” *Tour Technology Software, Inc. v. RTV, Inc.*, 377 F. Supp. 3d 195, 210 (E.D. N.Y. 2019); see also *Nazomi Communications, Inc. v. Nokia Corporation*, 2010 WL 11508956, at *7 (C.D. Cal. June 21, 2010) CIVIL MINUTES – GENERAL Case No. 5:25-cv-00323-SSS (SHK) Date: March 14, 2025 Title Guillermo Alfonso Salazar-Velasquez v. Robert Alan Soltis, et al. (“In patent infringement cases involving multiple defendants, venue must be established as to each defendant.”).

It does not appear, based solely on the sparse allegations Plaintiff has provided, that the proper venue for both Defendants would be the same. Because Plaintiff has not alleged that venue in the

Central District of California is proper, within thirty (30) days of the date of this order, Plaintiff is ordered to show cause why this action should not be dismissed without prejudice for improper venue.

Plaintiff's response should clearly allege the proper venue for this action under 28 U.S.C. § 1400(b). If venue is improper in the Central District of California, and if Plaintiff seeks a transfer of this action to another judicial district pursuant to 28 U.S.C. § 1406(a), he must explain why the proposed transferee judicial district would be the proper venue for his claims.

In the alternative, Plaintiff may request dismissal of this action without prejudice. Plaintiff's failure to respond to this order by the deadline, or the filing of a response without the necessary allegations, will result in dismissal of this action without prejudice. IT IS SO ORDERED.