

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, MARSHALL DIVISION

Lemko Corporation v. AT&T Enterprises LLC, AT&T Mobility
LLC, AT&T Mobility LLC II, and AT&T Services, Inc.

Lemko v. AT&T · No. 2:25-CV-00305-JRG · Decided March 6, 2026

SUMMARY

The United States District Court for the Eastern District of Texas denied Defendants’ motion to transfer the patent infringement action to the Northern District of Texas under the first-to-file rule. The Court concluded that the two cases did not substantially overlap because they involved different defendants, accused products, technology platforms, and expected discovery. The Court found that transfer would produce minimal gains in judicial economy.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Marshall Division
WRITING FOR THE COURT	Rodney Gilstrap
JURISDICTION	United States District Court for the Eastern District of Texas, Marshall Division
DECIDED	March 6, 2026
DOCKET	2:25-CV-00305-JRG
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to transfer this patent-infringement action to the Northern District of Texas under the first-to-file rule based on an earlier-filed patent action involving Lemko. The district court denied the motion.
STANDARD OF REVIEW	Application of the discretionary first-to-file rule is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order

TOPICS

- venue
- civil procedure
- patent law
- patent infringement

PRACTICE AREAS

civil procedure

patent law

patent infringement

commercial litigation

QUESTIONS PRESENTED

1. Whether the present action and the earlier Northern District of Texas action substantially overlap under the discretionary first-to-file rule.
2. Whether transfer of the present patent action to the Northern District of Texas was warranted to promote comity and judicial economy.

HOLDINGS

1. The actions do not substantially overlap because they involve different defendants, different technology platforms and accused products, and are unlikely to involve substantially overlapping discovery.
2. Transfer to the Northern District of Texas was not warranted because it would produce only minimal gains in judicial economy, if any.

KEY QUOTATIONS

“Substantial overlap does not exist here.” (III)

“A potential but not assured overlap in a mere subcomponent of a system is not substantial.” (III)

“At best, the cases involve related patents.” (III)

“For the foregoing reasons, the Court finds that the Motion should be and hereby is DENIED.” (IV)

FACTUAL BACKGROUND

Lemko's earlier Northern District of Texas action accused Microsoft and Affirmed Networks of infringing eight patents concerning distributed mobile architecture for 4G and 5G networks, including through the Affirmed Mobile Core and Azure Stack Edge. In this action, Lemko accused four AT&T entities of infringing seven different, though related, patents through the AT&T Private 5G Edge, which uses Azure Private 5G software and may run on various commercially available servers. The court found material differences in the defendants, software platforms, accused products, and expected discovery.

PROCEDURAL HISTORY

Lemko filed the present action in the Eastern District of Texas on March 17, 2025, alleging that the AT&T defendants infringed seven patents. Lemko had previously filed an action in the Northern District of Texas against Microsoft and Affirmed Networks involving eight related but different patents. The AT&T defendants moved to transfer this action to the Northern District of Texas, and Lemko opposed the motion. The court denied transfer.

DISPOSITION

other

CASES CITED

- Cadle Co. v. Whataburger of Alice, Inc., 174 F.3d 599, 603 (5th Cir. 1999)
- Int'l Fidelity Ins. Co. v. Sweet Little Mexico Corp., 665 F.3d 671, 677-678 (5th Cir. 2011)
- SIPCO, LLC v. Emerson Electric Co., 2016 WL 7743496, at *2 (E.D. Tex. Jul. 1, 2016)
- E-Z-EM, Inc. v. Mallinckrodt, Inc., 2010 WL 1378820, at *2 (E.D. Tex. Feb. 26, 2010)
- Robert Bosch Healthcare Sys., Inc. v. Cariocom, 2014 WL 12618095, at *1 (E.D. Tex. Mar. 10, 2014)
- Personalized Media Communications, L.L.C. v. Motorola, Inc., 2009 WL 10643344, at *2 (E.D. Tex. Sep. 30, 2009)
- Affinity Labs of Texas v. Samsung Electronics Co., Ltd., 968 F. Supp. 2d 852, 857 (E.D. Tex. 2013)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-texas-marshall-division-united-states-distr/2026/lemko-corporation-v-at-and-t-enterprises-llc-at-and-t-ihf3fqot>