

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**In re: BAYERISCHE MOTOREN WERKE AG, BMW
OF NORTH AMERICA LLC,**
Petitioners

2019-108

On Petition for Writ of Mandamus to the United States District Court for the Eastern District of Texas in No. 2:17-cv-00418-JRG, Judge J. Rodney Gilstrap.

ON PETITION

Before MOORE, WALLACH, and CHEN, *Circuit Judges*.
WALLACH, *Circuit Judge*.

O R D E R

Bayerische Motoren Werke AG and BMW of North America LLC (collectively “BMW”) submit a petition for a writ of mandamus seeking an order reversing the United States District Court for the Eastern District of Texas’s denial of their motion to dismiss for improper venue and lack of personal jurisdiction.

In May 2017, Blitzsafe Texas, LLC filed a patent infringement claim against BMW in the underlying district court action. BMW filed a motion to dismiss for

lack of personal jurisdiction or improper venue or, in the alternative, to transfer. The district court subsequently stayed the case pending this court's ruling in *In re ZTE*, 890 F.3d 1008 (Fed. Cir. 2018). On September 6, 2018, the district court denied the motion. BMW moved for reconsideration on September 20, 2018, and that motion remains pending before the district court.*

Under the circumstances, the court deems it the proper course here to deny mandamus without prejudice to seeking mandamus if and when the district court denies reconsideration.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for a writ of mandamus is denied.

FOR THE COURT

Nov. 30, 2018

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court

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* The district court lifted the stay on October 17, 2018.