

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BUMBLE TRADING, INC. and	§	
BUMBLE HOLDING, LTD.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil No. 3:18-CV-2578-K
	§	
MATCH GROUP, LLC,	§	
	§	
Defendant.	§	

**ORDER**

Before the Court is Defendant Match Group, LLC's ("Match") Motion to Transfer (Doc. No. 5). Match seeks transfer to the Western District of Texas, Waco Division, where Match is currently bringing an action against Bumble Trading, Inc. ("Bumble Trading") for patent and trademark infringement. Because there is a likelihood of substantial overlap between this suit and the first-filed suit in the Western District of Texas, the Court **GRANTS** the Motion to Transfer.

Match filed its Motion to Transfer the day after it removed this case to this Court. On the same day that Bumble Trading and Bumble Holding, Ltd. (collectively, "Bumble") filed their response to Match's Motion to Transfer, Bumble filed a Motion to Dismiss Without Prejudice Pursuant to Federal Rule of Civil Procedure 41 and Brief in Support ("Motion to Dismiss") (Doc. No. 23). In light of Bumble's Motion

to Dismiss its own claims, Bumble stated in its response to the Motion to Transfer that it was unopposed to transfer of Match's counterclaims. Bumble only argued that the Court should rule on its Motion to Dismiss prior to deciding whether to transfer the case. Match responded to Bumble's Motion to Dismiss by stating that it was unopposed to the dismissal of Bumble's claims; however, immediately prior to this response, Match amended its answer to include additional counterclaims. Bumble has moved to dismiss these amended counterclaims (Doc. No. 33).

By transferring the case at this stage, the Court avoids any issues concerning duplicative rulings, "rulings which may trench upon the authority" of the Western District of Texas, and the risk of piecemeal resolution. *Cadle Co. v. Whataburger of Alice, Inc.*, 174 F.3d 599, 603 (5th Cir. 1999); *see* 28 U.S.C. § 1404(a) (2012). Upon finding a likelihood of substantial overlap between this case and the case in front of the Western District of Texas, the proper course of action for this Court is to transfer the case. *Id.* at 605–06. Deciding Bumble's Motion to Dismiss first, especially in light of Match's amended counterclaims, would run contrary to this Court's limited role upon finding a likelihood of substantial overlap between this case and the case in front of the Western District of Texas. *Id.* (holding that the second-filed court should refrain from proceeding upon finding a likelihood of substantial overlap with the first-filed court). The Court therefore turns to the only relevant question in front of it: whether there is a likelihood of substantial overlap.

Match's claims in the Western District of Texas may not be identical to the state-law claims in front of this Court, but the cases need not be identical for there to be substantial overlap. *Brocq v. Lane*, Civ. Action No. 3:16-CV-2832-D, 2017 WL 1281129, at \*2 (N.D. Tex. Apr. 6, 2017) (Fitzwater, J.). First, Bumble admits that Match's original counterclaims are duplicative of the claims currently in front of the Western District of Texas, and Bumble did not oppose transfer of those counterclaims to the Western District of Texas. Second, the litigation in front of the Western District of Texas involves two of the three parties in front of this Court. Third, the premise of both cases is an intellectual-property dispute, which means "much of the proof adduced would likely be identical." *Id.* In other words, the state-law claims in the case before this Court still substantially overlap with the claims in the Western District of Texas litigation. *See id.* ("Even when the second case presents claims absent in the first, the cases may still substantially overlap."). Because there is a likelihood of substantial overlap between the two cases, the Court transfers this case to the Western District of Texas and refrains from making any other rulings. *See Cadle*, 174 F.3d at 605–06.

Because there is a likelihood of substantial overlap between the case before this Court and the case pending in the Western District of Texas, and the case before the Western District of Texas was filed first, transfer is appropriate. The Court

**TRANSFERS** this action to the Western District of Texas, Waco Division. 28 U.S.C.

§ 124(d)(2) (2012).

**SO ORDERED.**

Signed November 28<sup>th</sup>, 2018.

  
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ED KINKEADE  
UNITED STATES DISTRICT JUDGE