



case, the transfer “may inject disputes into the MSN Litigation that would not exist otherwise.” *Id.*

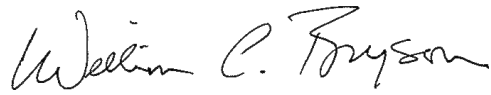
When I entered the order transferring the first Orbicular case, I was aware of the second lawsuit that Vifor was planning to file against Orbicular in this district, and I took that impending lawsuit into account in deciding to transfer the first Orbicular case to New Jersey. *See* Dkt. No. 30 at 8–9. In addition, it is far from clear that the parties’ agreement on claim construction in the MSN Litigation will significantly undermine the efficiency of having the two Vifor case proceed in tandem with the MSN Litigation in New Jersey. As Orbicular points out, the two cases now in New Jersey involve the same patents, the same prior art, the same active pharmaceutical ingredient, the same witnesses, and the same invalidity and infringement positions. Dkt. No. 35 at 3. Whether or not those cases are formally consolidated, it is clear that having all the cases proceed in the same district will make the proceedings there significantly more efficient than conducting largely parallel proceedings in the two districts.

As for the possibility that the parties will take inconsistent positions in the two litigations regarding claim construction, Vifor’s suggestion to that effect is entirely speculative. And even if the parties take different positions on some issues, there are likely to be common disputes in this case and the MSN Litigation that will make the decisional process much more efficient and will avoid the risk of inconsistent outcomes on any such disputes.

In short, the reasoning behind this court’s decision to transfer this case to New Jersey is still fully applicable. The two issues that Vifor has raised in its motion for reconsideration do not materially affect the court’s judgment that this case belongs in New Jersey where the parallel cases that constitute the MSN Litigation are pending.

IT IS SO ORDERED.

SIGNED this 30th day of September, 2025.

A handwritten signature in black ink, reading "William C. Bryson". The signature is written in a cursive style with a horizontal line underneath it.

WILLIAM C. BRYSON  
UNITED STATES CIRCUIT JUDGE