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Can retrieving materials from a storage unit qualify as engaging in business activity for purposes of establishing proper patent venue?

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According to **a recent decision** from the Southern District of New York, no. In our continued post-*TC Heartland* coverage, the court in *CDX Diagnostic, Inc. v. U.S. Endoscopy Group, Inc.* clarified that a storage unit does not qualify as a regular and established place of business. Specifically, retrieving materials from a storage unit does not qualify as actually engaging in business activity. While a storage unit is of course a physical place in the district, the plaintiffs failed to meet their burden to prove that the defendant engaged in any business in or from the storage unit.

The court considered whether the storage units in question are locations where business is done. While the defendant's customer service representatives retrieved materials from the storage units to visit customers within the District, the court concluded that no employee/agent actually conducted business at the storage units. Accordingly, the subject storage units here were insufficient to establish a "regular and established place of business" and thus venue was improper.

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