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29 STIPULATION AND ORDER REGARDING TRANSFER OF THIS CASE TO THE U.S. DISTRICT COURT
30 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
31 Case No. C 10-03350 CW

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

MORVIL TECHNOLOGY, LLC,

Plaintiff,

v.

ABLATION FRONTIERS, INC.,
MEDTRONIC ABLATION FRONTIERS
LLC and MEDTRONIC, INC.,

Defendants.

Case No. C 10-03350 CW

**STIPULATION AND ORDER
REGARDING TRANSFER OF THIS
CASE TO THE U.S. DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
CALIFORNIA**

Plaintiff Morvil Technology, Inc. (“Morvil”) and defendants Ablation Frontiers, Inc., Medtronic Ablation Frontiers LLC and Medtronic, Inc. stipulate and agree as follows:

1. Morvil filed its Complaint initiating this case on July 29, 2010.
2. Medtronic Ablation Frontiers LLC and Medtronic, Inc. were served with Morvil’s Complaint on August 2, 2010.
3. On September 16, 2010, Morvil and the defendants filed a stipulation pursuant to Civil L.R. 6.1(a) extending the time for the defendants to respond to Morvil’s Complaint to September 30, 2010.
4. The defendants have represented to Morvil that Ablation Frontiers, Inc. has merged into Medtronic Ablation Frontiers LLC; that Ablation Frontiers, Inc. no longer exists; and that Medtronic Ablation Frontiers LLC has completely assumed and is completely responsible for any liabilities of Ablation Frontiers, Inc., including those liabilities that may result from Morvil's claims for infringement in this case.
5. The defendants maintain that Medtronic Ablation Frontiers LLC does not have, and has never had, a regular and established place of business in the Northern District of California.
6. The defendants maintain that Medtronic Ablation Frontiers LLC does not have, and has never had, contacts with the Northern District of California that would be sufficient to

1 subject Medtronic Ablation Frontiers LLC to personal jurisdiction in the Northern District of
2 California.

3 7. The defendants have represented to Morvil that Medtronic Ablation Frontiers
4 LLC's principal place of business in the United States is in Carlsbad, California, within the
5 Southern District of California. The defendants maintain that venue is improper in this district
6 with respect to Medtronic Ablation Frontiers LLC due to its lack of contacts with this district.
7 The defendants further maintain that this is not a convenient forum for the parties and witnesses.
8 Accordingly, the defendants have informed Morvil that they intend to file a motion to dismiss
9 based on improper venue and to transfer this case to the U.S. District Court for the Southern
10 District of California based on 28 U.S.C. § 1404(a). That motion would be based on the
11 concentration of witnesses in the Southern District of California relative to the more limited
12 relationship between this district and this case. The Medtronic Ablation Frontiers LLC witnesses
13 knowledgeable about the accused products are concentrated in Carlsbad, California, which is in
14 the Southern District of California. Morvil is not located in this district. It is located in
15 Roseville, California, which is in the Eastern District of California. While there might turn out
16 to be some witnesses in this district, the parties are not aware of a substantial number of
17 witnesses in this district or any particular interest this district would have in this case.

18 8. To avoid motion practice regarding the venue for this case, and based upon the
19 above, the parties hereby STIPULATE and AGREE as follows:

20 A. Morvil will file a First Amended Complaint removing Ablation Frontiers, Inc.
21 from the case, without prejudice. If discovery reveals that Ablation Frontiers, Inc. should be a
22 party in this case, none of Ablation Frontiers, Inc., Medtronic, Inc. and Medtronic Ablation
23 Frontiers LLC will object to its addition based on the removal of that entity from this case
24 pursuant to this stipulation, or assert laches, waiver or estoppel based on the addition of Ablation
25 Frontiers, Inc. as a party.

1 B. In accordance with 28 U.S.C. § 1404(a), this case should be transferred to the
2 U.S. District Court for the Southern District of California in San Diego for the convenience of
3 the parties and witnesses and in the interests of justice.

4 C. Medtronic Ablation Frontiers LLC and Medtronic, Inc. will answer Morvil's First
5 Amended Complaint within 14 days after the First Amended Complaint is served.

6 Respectfully submitted,

7 /s/David J. Sheikh
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26 **Attorneys for Morvil Technology, LLC**

27 PURSUANT TO STIPULATION, IT IS SO ORDERED

28 Dated: 10/4/2010


U.S. District Judge