

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

_____	)	
<b>EMC CORPORATION,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No.</b>
<b>v.</b>	)	<b>12-11096-FDS</b>
	)	
<b>PARALLEL IRON, LLC,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**ORDER OF TRANSFER**

This is an action for a declaratory judgment, in which plaintiff EMC Corporation seeks a declaration that it has not infringed three patents owned by defendant Parallel Iron, LLC. This is the second-filed of two suits between plaintiff and defendant concerning these three patents. One day before this suit was filed, Parallel Iron sued EMC for patent infringement in the United States District Court for the District of Delaware. EMC then filed a complaint in this Court seeking a declaratory judgment of non-infringement and/or invalidity.

On August 17, 2012, defendant moved to dismiss this action, or in the alternative, to transfer the case to the District of Delaware. The parties agreed that the issues and parties involved in this action and the Delaware action are identical, and that it would be inefficient and duplicative to try both actions simultaneously. However, they disagreed as to whether Delaware or Massachusetts was the appropriate venue.

On December 12, 2012, this Court ruled that, according to the first-to-file rule, the determination as to what forum was most convenient and appropriate should properly be made in the District of Delaware. Accordingly, the Court denied defendant's motion in order to allow the

parties to file a motion to transfer venue in the Delaware action.

EMC Corporation filed a motion to transfer the Delaware action to the District of Massachusetts on January 17, 2013. Briefing on that motion was completed on February 14, and a hearing was held on April 25. At that hearing, Judge Andrews denied EMC's motion to transfer in light of the existence of other pending litigation brought by Parallel Iron in Delaware.

Both parties now agree that it would be appropriate and efficient for this case to be transferred to Delaware. Accordingly, the present action is hereby TRANSFERRED to the United States District Court for the District of Delaware, to be decided in conjunction with the related matter *Parallel Iron, LLC v. EMC Corporation*, C.A. 12-764 (RGA) (D. Del.)

**So Ordered.**

Dated: May 8, 2013

/s/ F. Dennis Saylor  
F. Dennis Saylor IV  
United States District Judge