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 13 *MD Labs, Inc.*

14 UNITED STATES DISTRICT COURT  
 15 DISTRICT OF NEVADA

16  
 17 BOSTON HEART DIAGNOSTICS  
 CORPORATION,

Case No.: 3:18-cv-00006-RCJ-WGC

18 Plaintiff,

19 v.

20 MD LABS, INC.,

21 Defendant.  
 22

23 **ORDER GRANTING**  
 24 **UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO THE**  
 25 **COMPLAINT**

26 On August 1, 2017, Boston Heart Diagnostics Corporation (“BHDX”) sued MD Labs. Inc.  
 27 in the District of Connecticut for patent infringement. Under 28 U.S.C. § 1400(b), venue for  
 28 patent cases is appropriate “in the judicial district where the defendant resides, or where the

1 defendant has committed acts of infringement and has a regular and established place of  
2 business.” In May of 2017, the Supreme Court held that under § 1400(b), “a domestic  
3 corporation ‘resides’ only in its State of incorporation for purposes of the patent venue statute.”  
4 *TC Heartland v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514, 1517 (2017). Defendant MD  
5 Labs is incorporated in Nevada and does not have any regular and established place of business in  
6 Connecticut. Therefore, MD Labs informed BHDx that it would move to dismiss the complaint  
7 for improper venue if BHDx did not move to transfer the case to the District of Nevada. BHDx  
8 agreed and filed a motion to transfer, which the Connecticut court granted.

9 In light of the transfer and opening of this case in Nevada, MD Labs has  
10 requested an extension until February 20, 2018 to file its response to the complaint. BHDx has  
11 agreed to this extension. No schedule has been set in this matter, and therefore this extension will  
12 not interfere with any scheduled dates.

13 Wherefore, MD Labs respectfully requests that this Court grant the requested extension  
14 and order that MD Labs’ response to the complaint is due on February 20, 2018.

15 DATED: January 18, 2018. PARSONS BEHLE & LATIMER

16 /s/ Robert W. DeLong

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*Attorneys for Defendant*  
*MD Labs, Inc.*

IT IS SO ORDERED.

DATED: January 19, 2018



UNITED STATES MAGISTRATE JUDGE