

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ASTUTE IMAGING, LLC, a Delaware limited liability company,

Case No. 2:23-cv-01097-MJP

Plaintiff,

V.

SHOULDER INNOVATIONS, INC., a Delaware corporation; GENESIS INNOVATION GROUP, LLC, a Delaware limited liability company; and GENESIS SOFTWARE INNOVATION, LLC, a Michigan limited liability company,

STIPULATION AND ORDER
TRANSFERRING MATTER TO THE
WESTERN DISTRICT OF MICHIGAN,
DENYING DEFENDANTS' MOTION
TO DISMISS AS MOOT, AND
GRANTING PLAINTIFF LEAVE TO
AMEND

Defendants.

STIPULATION

The parties, by and through their attorneys of record, stipulate to entry of the proposed Order (i) transferring this matter to the Western District of Michigan, (ii) denying Defendants' pending motion to dismiss as moot, and (iii) granting Plaintiff leave to amend its Complaint.

In support of this request, the parties represent the following to the Court:

1. Plaintiff ASTUTE IMAGING, LLC (“**Plaintiff**”) filed a complaint against Defendants SHOULDER INNOVATIONS, INC., GENESIS INNOVATION GROUP, LLC,

and GENESIS SOFTWARE INNOVATION, LLC (collectively, “**Defendants**”) on August 20, 2023. Dkt. 1.

2. Defendants filed a motion to dismiss for lack of personal jurisdiction and improper venue, or in the alternative to transfer, and to dismiss for failure to state a claim on October 20, 2023. Dkt. 16.

3. Based on the current record, the parties agree that venue in the Southern Division of the Western District of Michigan is appropriate and that the Court should transfer the matter to the Southern Division of the Western District of Michigan pursuant to 28 U.S.C. § 1404(a).

4. The parties agree that Plaintiff may file an amended complaint in the new venue no later than November 27, 2023, and that Defendant may respond and/or answer the complaint no later than December 18, 2023.

5. Based on the foregoing agreements, the Court should deny Defendants' motion to dismiss as moot.

ORDER

IT IS SO ORDERED:

1. The Clerk shall transfer this matter to the Southern Division of the Western District of Michigan;

2. Plaintiff is GRANTED leave to amend the complaint and shall file an amended complaint, if any, no later than November 27, 2023;

3. Defendants shall respond and/or answer the operative complaint no later than December 18, 2023; and

4. Defendants' motion to dismiss (Dkt. 16) is DENIED as moot.

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2 Dated this 14 day of November, 2023.
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HON. MARSHA J. PECKMAN
United States District Judge

DATED: November 13, 2023.

Jointly Presented:

BAILEY DUQUETTE P.C.

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