

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

3D SYSTEMS, INC.,

Plaintiff,

v.

FORMLABS, INC. and KICKSTARTER,
INC.,

Defendants.

Civil Action No. 0:12-cv-03323-TLW

**MOTION TO DISMISS
OR, IN THE ALTERNATIVE,
MOTION TO TRANSFER VENUE
ON BEHALF OF DEFENDANTS'
FORMLABS, INC. AND
KICKSTARTER, INC.**

PLEASE TAKE NOTICE THAT THE DEFENDANTS, Formlabs, Inc. (“Formlabs”) and Kickstarter, Inc. (“Kickstarter”) (collectively, the “Defendants”), pursuant to Fed. R. Civ. P. 12(b)(2), 12(b)(3), and 12(b)(6), hereby respectfully move to dismiss the Complaint of plaintiff 3D Systems, Inc. (“3D Systems”). In the alternative, pursuant to 28 U.S.C. § 1404(a), Defendants request that the matter be transferred to the United States District Court for the District of Massachusetts.

The grounds in support of its motion are listed below and more fully set forth in Defendants memorandum of law in support of its motion and supporting declarations submitted herewith.

- A. There is No Personal Jurisdiction Over Defendants In This District.
- B. The Complaint Should Be Dismissed For Improper Venue.
- C. The Court Should Dismiss The Infringement Claims Under Fed. R. Civ. P. 12(b)(6).

D. If The Court does not dismiss the Complaint, It Should Transfer This Case To The United States District Court For The District OF Massachusetts On The Alternative Grounds Of Forum Non Conveniens.

WHEREFORE, Defendants respectfully request that 3D Systems' Complaint be dismissed in its entirety, with prejudice, pursuant to Fed. R. Civ. P. 12(b)(2), 12(b)(3), and 12(b)(6), or in the alternative, be transferred to the United States District Court for the District of Massachusetts pursuant to 28 U.S.C. § 1404(a).

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Respectfully submitted,

**DEFENDANTS FORMLABS, INC. and
KICKSTARTER, INC.,**

By their undersigned attorneys,

/s/ Julianne Farnsworth
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February 25, 2013
Charleston, South Carolina