

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

FISHER-PRICE, INC. and MATTEL, INC., )

Plaintiffs, )

v. )

Civil Action No. 17-51-LPS-CJB

DYNACRAFT BSC, INC. )

Defendant. )

**REPORT AND RECOMMENDATION**

The Court, having reviewed and considered Defendant Dynacraft BSC, Inc.’s (“Defendant”) Motion to Dismiss for Improper Venue, (D.I. 9), in which Defendant requests that the Court “dismiss this action in its entirety for improper venue pursuant to Federal Rule of Civil Procedure 12(b)(3) or, in the alternative, [ ] transfer the case to the United States District Court for the Northern District of California [the ‘Northern District of California’] pursuant to 28 U.S.C. § 1406(a)[,]” (*id.*), and Plaintiffs Fisher-Price, Inc. and Mattel, Inc.’s Response, in which they note that they “do not oppose the transfer of this case to the [ ] Northern District of California[.]” (D.I. 12 at 1; *see also* D.I. 13), recommends that Defendant’s Motion be GRANTED-IN-PART and DENIED-IN-PART and that the instant case be transferred to the Northern District of California.

This Report and Recommendation is filed pursuant to 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b)(1), and D. Del. LR 72.1. The parties have waived their right to object to this Report and Recommendation. (D.I. 13)

Dated: June 20, 2017

  
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Christopher J. Burke  
UNITED STATES MAGISTRATE JUDGE