

**U.S. District Court  
District of Delaware (Wilmington)  
CIVIL DOCKET FOR CASE #: 1:17-cv-00051-LPS-CJB**

Fisher-Price, Inc. et al v. Dynacraft BSC, Inc.  
Assigned to: Judge Leonard P. Stark  
Referred to: Judge Christopher J. Burke  
Cause: 35:145 Patent Infringement

Date Filed: 01/17/2017  
Date Terminated: 06/28/2017  
Jury Demand: Plaintiff  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

**Plaintiff**

**Fisher-Price, Inc.**

represented by **Karen L. Pascale**  
Young, Conaway, Stargatt & Taylor LLP  
Rodney Square  
1000 North King Street  
Wilmington, DE 19801  
(302) 571-6600  
Email: kpascale@ycst.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Pilar Gabrielle Kraman**  
Young, Conaway, Stargatt & Taylor LLP  
Rodney Square  
1000 North King Street  
Wilmington, DE 19801  
(302) 576-3586  
Email: pkraman@ycst.com  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Mattel, Inc.**

represented by **Karen L. Pascale**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Pilar Gabrielle Kraman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Dynacraft BSC, Inc.**

represented by **John C. Phillips, Jr.**  
Phillips, Goldman, McLaughlin & Hall, P.A.  
1200 North Broom Street  
Wilmington, DE 19806  
(302) 655-4200  
Email: jcp@pgmhlaw.com

Date Filed	#	Docket Text
01/17/2017	<u>1</u>	COMPLAINT filed with Jury Demand against Dynacraft BSC, Inc. – Magistrate Consent Notice to Pltf. ( Filing fee \$ 400, receipt number 0311–2066590.) – filed by Mattel, Inc., Fisher–Price, Inc.. (Attachments: # <u>1</u> Exhibit A–I, # <u>2</u> Civil Cover Sheet)(jcs) (Entered: 01/18/2017)
01/17/2017	<u>2</u>	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction. (jcs) (Entered: 01/18/2017)
01/17/2017	<u>3</u>	Report to the Commissioner of Patents and Trademarks for Patent/Trademark Number(s) U.S. No. 7,222,684; U. S. No. 7,487,850; U.S. No. 7,621,543; U.S. No. 7,950,978. (jcs) (Entered: 01/18/2017)
01/17/2017	<u>4</u>	Disclosure Statement pursuant to Rule 7.1: identifying Corporate Parent Mattel, Inc. for Fisher–Price, Inc. Mattel, Inc. has no corporate parent(s). filed by Fisher–Price, Inc., Mattel, Inc. (jcs) Modified on 1/18/2017 (jcs). (Entered: 01/18/2017)
01/18/2017	<u>1</u>	No Summons Issued. (jcs) (Entered: 01/18/2017)
01/25/2017	<u>1</u>	Case Assigned to Judge Leonard P. Stark. Please include the initials of the Judge (LPS) after the case number on all documents filed. (rjb) (Entered: 01/25/2017)
01/31/2017	<u>5</u>	ORAL REFERRAL ORDER: This case will be governed by Judge Stark's Revised Procedures for Managing Patent Cases (see www.ded.uscourts.gov). In accordance with the Revised Procedures, IT IS HEREBY ORDERED that: 1. any and all matters relating to scheduling, including entry of a Scheduling Order, are referred to Magistrate Judge Burke; 2. any and all motions to dismiss, stay, and/or transfer venue, relating to all or any part of the case, whenever such motions may be filed, are referred to Judge Burke for disposition or report and recommendation, to the full extent permitted by the Constitution, statute, and rule; and 3. within seven (7) days of the date of this Referral Order, the plaintiff(s) shall file the Procedures Order, which is found on Judge Stark's website (see www.ded.uscourts.gov). ORDERED by Judge Leonard P. Stark on 1/31/17. (ntl) (Entered: 01/31/2017)
02/07/2017	<u>6</u>	PROPOSED ORDER – Procedures Order – by Fisher–Price, Inc., Mattel, Inc.. (Pascale, Karen) (Entered: 02/07/2017)
02/07/2017	<u>1</u>	SO ORDERED D.I. <u>6</u> Proposed Procedures Order filed by Mattel, Inc., Fisher–Price, Inc. Ordered by Judge Christopher J. Burke on 2/7/2017. (dlk) (Entered: 02/07/2017)
04/12/2017	<u>1</u>	Summons Issued with Magistrate Consent Notice attached as to Dynacraft BSC, Inc. on 4/12/2017. (Imm) (Entered: 04/12/2017)
04/18/2017	<u>7</u>	SUMMONS Returned Executed by Mattel, Inc., Fisher–Price, Inc.. Dynacraft BSC, Inc. served on 4/14/2017, answer due 5/5/2017. (Pascale, Karen) (Entered: 04/18/2017)
04/26/2017	<u>8</u>	MOTION for Extension of Time to <i>answer, move or otherwise respond to the Complaint [Unopposed]</i> – filed by Fisher–Price, Inc., Mattel, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Pascale, Karen) (Entered: 04/26/2017)
04/26/2017	<u>1</u>	SO ORDERED D.I. <u>8</u> MOTION for Extension of Time to <i>answer, move or otherwise respond to the Complaint [Unopposed]</i> filed by Mattel, Inc., Fisher–Price, Inc. Ordered by Judge Christopher J. Burke on 4/26/2017. (dlk) (Entered: 04/26/2017)
06/05/2017	<u>9</u>	MOTION to Dismiss for Improper Venue – filed by Dynacraft BSC, Inc.. (Attachments: # <u>1</u> Text of

06/05/2017	<u>10</u>	OPENING BRIEF in Support re <u>9</u> MOTION to Dismiss for Improper Venue filed by Dynacraft BSC, Inc.. Answering Brief/Response due date per Local Rules is 6/19/2017. (Phillips, John) (Entered: 06/05/2017)
06/05/2017	<u>11</u>	DECLARATION re <u>10</u> Opening Brief in Support of <i>David Castrucci</i> by Dynacraft BSC, Inc.. (Phillips, John) (Entered: 06/05/2017)
06/05/2017	<u>1</u>	ORAL ORDER: IT IS HEREBY ORDERED that the parties shall meet and confer and discuss, in person and/or by telephone, each of the matters listed on Chief Judge Stark's Case Management Checklist ("Checklist"). Within thirty (30) days from the date of this Order, the parties shall jointly file the following: (i) a copy of the "Checklist" indicating the names of Lead Counsel and Delaware Counsel for each party; (ii) a proposed Scheduling Order (consistent with the Chief Judge Stark's Revised Patent Form Scheduling Order); and (iii) a letter, not to exceed three pages, that contains the following: (a) a description of what this case is about; (b) the parties' positions regarding the disputes in the proposed Scheduling Order, and (c) a list of the three most significant topics (other than Scheduling Order disputes) discussed during the parties' review of the Checklist items, along with a brief description as to what was discussed as to those topics. Thereafter, the Court will schedule an in-person Case Management Conference/Rule 16 Scheduling Conference to be held with Judge Stark and/or Judge Burke. The Checklist and Revised Patent Form Scheduling Order can be found on this Court's website ( <a href="http://www.ded.uscourts.gov/judge/chief-judge-leonard-p-stark">www.ded.uscourts.gov/judge/chief-judge-leonard-p-stark</a> ). Ordered by Judge Christopher J. Burke on 6/5/2017. (dlb) (Entered: 06/05/2017)
06/19/2017	<u>12</u>	RESPONSE to Motion re <u>9</u> MOTION to Dismiss for Improper Venue filed by Fisher-Price, Inc., Mattel, Inc.. (Pascale, Karen) (Entered: 06/19/2017)
06/19/2017	<u>1</u>	ORAL ORDER: The Court having reviewed Plaintiffs' Response to Defendant's Motion to Dismiss or in the Alternative to Transfer, (D.I. <u>12</u> ), IT IS HEREBY ORDERED that by no later than Friday, June 23, 2017, the parties shall submit a joint letter of no more than two (2) single-spaced pages, informing the Court: (1) whether there remains a dispute between the parties, or whether the parties jointly agree that this case should be transferred to the United States District Court for the Northern District of California (the "Northern District of California"); and (2) if the parties agree that the case should be transferred, whether they waive any right to object to a Report and Recommendation recommending transfer to the Northern District of California. Ordered by Judge Christopher J. Burke on 6/19/2017. (mlc) (Entered: 06/19/2017)
06/20/2017	<u>13</u>	Letter to The Honorable Christopher J. Burke from John C. Phillips, Jr. regarding response to Your Honor's June 19, 2017 oral order – re Oral Order,,,. (Phillips, John) (Entered: 06/20/2017)
06/20/2017	<u>14</u>	REPORT AND RECOMMENDATION recommending GRANTING-IN-PART AND DENYING-IN-PART D.I. <u>9</u> MOTION to Dismiss for Improper Venue filed by Dynacraft BSC, Inc. Signed by Judge Christopher J. Burke on 6/20/2017. (mlc) (Entered: 06/20/2017)
06/26/2017	<u>15</u>	ORDER re <u>14</u> REPORT AND RECOMMENDATION is ADOPTED; <u>9</u> MOTION to Dismiss for Improper Venue filed by Dynacraft BSC, Inc. is GRANTED in part and DENIED in part and this case is transferred to the Northern District of California. Signed by Judge Leonard P. Stark on 6/26/17. (ntl) (Entered: 06/26/2017)
06/28/2017	<u>1</u>	Case electronically transferred to Northern District of California. (ntl) (Entered: 06/28/2017)