

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

3D SYSTEMS, INC.,)	
)	
Plaintiff,)	
v.)	0:12-cv-03323-TLW
)	
FORMLABS, INC. and KICKSTARTER, INC.,)	
)	
Defendants.)	
)	

JOINT MOTION TO STAY

Plaintiff 3D Systems, Inc. (“3D Systems”) and Defendants Formlabs, Inc. and Kickstarter, Inc. (collectively, “Defendants”) jointly request a stay of the above-captioned proceedings pending their efforts to resolve this matter through settlement negotiations. Pursuant to Local Civil Rule 7.04, a supporting memorandum to this motion is not required because a full explanation of the motion is set forth herein.

FACTUAL BACKGROUND

This matter was commenced on November 20, 2012. On January 10, 2013, 3D Systems and Kickstarter filed a joint motion to extend Kickstarter’s time to answer or otherwise respond to the complaint to January 28, 2013, which this Court granted. On February 7, 2013, Defendants filed a consent motion to extend their time to answer or otherwise respond to the complaint to February 25, 2013, which this Court granted.

On February 25, 2013, Defendants filed a motion to dismiss or alternatively, a motion to transfer venue. On March 8, 2013, 3D Systems filed an amended complaint, which mooted Defendants’ motion to dismiss.

On March 12, 2013, Defendants filed a consent motion to extend their time to answer or otherwise respond to the complaint to April 5, 2013, which this Court granted. On March 29, 2013, Defendants filed a consent motion to extend their time to answer or otherwise

respond to the complaint to April 19, 2013, which this Court granted. On April 17, 2013, Defendants filed a consent motion to extend their time to answer or otherwise respond to the complaint to May 3, 2013, which this Court granted.

ARGUMENT IN SUPPORT OF THE MOTION

3D Systems and Formlabs are currently engaged in settlement discussions. 3D Systems and Formlabs have negotiated an alternative dispute resolution protocol. Pursuant to that protocol, there will be a series of deadlines over the next four months, with the intent to negotiate a resolution during that time.

Pursuant to an agreement negotiated in connection with the alternative dispute resolution protocol, 3D Systems and Formlabs have agreed to request that the Court stay the litigation until September 3, 2013 so that the parties may attempt to resolve the litigation through their negotiated alternative dispute resolution protocol. While Kickstarter is not participating in the settlement discussion or alternative dispute resolution protocol, Kickstarter believes that a stay is appropriate to permit discussions between 3D Systems and Formlabs. No party will be prejudiced by the stay requested herein.

CONCLUSION

WHEREFORE, 3D Systems and Defendants hereby move that this Court stay the above-captioned matter to allow the parties to pursue settlement, and that such stay remain in effect until September 3, 2013.

Defendants shall have thirty (30) days thereafter to answer, move or otherwise plead in response to the Amended Complaint if the matter is not resolved through alternative dispute resolution.

Signatures on Following Page

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By their undersigned attorneys,

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DEFENDANTS FORMLABS, INC. and
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By their undersigned attorneys,

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IT IS SO ORDERED, this _____ day of _____, 2013.

UNITED STATES DISTRICT JUDGE