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VIA E-FILING AND
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Honorable Claire C. Cecchi
US Magistrate Judge
Martin Luther King, Jr. Federal Bldg.
& Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: *Ledalite Architectural Products v. Finelite, Inc.*
Civil Action No.: 2-09-cv-06155
Our File No. 8197-001

Dear Judge Cecchi:

We are counsel to defendant Finelite, Inc. ("Finelite") in the above-captioned case. Pursuant to Your Honor's December 11, 2009 letter to Victor Souto, Esq., counsel for plaintiff Ledalite Architectural Products ("Ledalite"), we write to request leave to file a motion to transfer this case to the Northern District of California, pursuant to 28 U.S.C. § 1404(a).

This Court's well-settled patent case law establishes that, where "the central and essential activities relevant to [the] lawsuit – the design, research, development and marketing of the [accused products] – occurred outside of New Jersey," it should be transferred to the district where those "central and essential activities" occurred. *Ricoh Company, Ltd. v. Honeywell, Inc.*, 817 F.Supp. 473, 479 (D.N.J. 1993). Finelite notes that Ledalite is a Canadian subsidiary of a Dutch conglomerate, Finelite is a California corporation, and neither resides in New Jersey.

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A Ledalite employee who resides in British Columbia, thousands of miles away, invented the patents-in-suit. All of the accused products were designed, developed, manufactured, marketed, and sold by Finelite in California. The Northern District of California is more convenient to nearly every relevant witness, document, and thing, and even to Ledalite itself. To date, Ledalite has asserted only that an installation of accused products and a purported third-party witness tie this case to this District, and Finelite submits that those connections are inadequate to justify Ledalite's choice to bring suit here. Accordingly, Finelite requests leave to file a motion to transfer this case to the Northern District of California.

Although Ledalite does not agree that this case should be transferred, counsel for Ledalite has stated that they do not oppose Finelite's request for leave to file the motion. In addition, in light of the fact that the Scheduling Conference in this case already is set for July 6, 2010, counsel for Ledalite join Finelite's request that, for the convenience of the parties and the Court, any oral argument should be held on that date as well.

Thank you for your time and consideration.

Respectfully submitted,



JOHN T. WHIPPLE

JTW/jld

cc: Joel Cavanaugh, Esq.
Vic Souto, Esq.
Dyane O'Leary, Esq.
Cynthia Vreeland, Esq.
Josh Masur, Esq.