IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Argentum Medical, LLC,

Plaintiff,

v.

Noble Biomaterials and
Derma Sciences, Inc.,

Defendants.

* * * * *

Derma Sciences, Inc.,

Third-Party Plaintiff,

v.

Noble Fiber Technologies, LLC,

Third-Party Defendant.

No. 07 CV 6769

Judge George W. Lindberg
Magistrate Judge Cole

Jury Trial Demanded

Defendant Derma Sciences, Inc.'s Amended Motion to Transfer or Stay

Plaintiff Argentum Medical, LLC's ("Argentum") patent infringement and other allegations have little connection to this judicial district and the case should be transferred to avoid duplicative litigation over the same patent in two different federal courts. The defendants, their key employees, and their largest customers are located in Pennsylvania and New Jersey, and not in Illinois. Indeed, defendant Noble Biomaterials, Inc. ("Noble or "Noble Biomaterials") developed the accused products in Pennsylvania, and neither defendant has sold any of the accused products in Illinois since the patent-in-suit issued (the "'153 patent"). Even the inventor and the owner of the '153 patent do not live in Illinois; they are in Georgia. In addition, defendant Derma Sciences, Inc. ("Derma") has breach of contract and breach of warranty claims

against Noble's subsidiary, Noble Fiber Technologies, LLC ("Noble Fiber"), arising out of Argentum's patent infringement claims, that should be resolved by the same court that resolves Argentum's claims – a federal court in Pennsylvania. Therefore, Derma respectfully requests that the Court transfer this case to the Middle District of Pennsylvania pursuant to 28 U.S.C. § 1404(a).

Alternatively, if this Court dismisses Noble Biomaterials and Noble Fiber from this litigation for any reason, and this Court does not transfer this case, then Derma respectfully requests that the Court stay this case pending the outcome of the core patent infringement dispute between the real parties in interest – Argentum and Noble. This case is a dispute between a patent licensee, Argentum, and the manufacturer of the SILVERSEAL wound dressings, Noble. Derma is just a customer of Noble with no role in the design, development, or manufacture of the accused products. In other words, the Court should stay this case pursuant to the "customer suit exception" to the first-to-file rule.

Derma has filed a memorandum of law in further support of this Motion.

Dated: May 16, 2008

/s Arthur Gollwitzer III

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Certificate of Service

I, Arthur Gollwitzer III, an attorney of record in this matter, certify that on May 16, 2008, I caused a copy of the following documents:

Defendant Derma Sciences, Inc.'s Amended Motion to Transfer or Stay;

and

Defendant Derma Sciences, Inc.'s Notice of Amended Motion to Transfer or Stay

to be filed by electronic (ECF) filing, which provides service for the following counsel of record by e-mail delivery:

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/s Arthur Gollwitzer III
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