

**UNITED STATES DISTRICT COURT
District of Maine**

<p>ERGO LICENSING, LLC,</p> <p style="padding-left: 40px;">Plaintiff</p> <p>v.</p> <p>CARDINAL HEALTH, INC., et al,</p> <p style="padding-left: 40px;">Defendant</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil No. 08-259-P-S</p>
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**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on July 13, 2009, his Recommended Decision (Docket No. 65). Plaintiff filed its Objection to the Recommended Decision (Docket No. 67) on July 30, 2009. Defendant Cardinal Health 303, Inc. filed its Objection to the Recommended Decision (Docket No. 68) on July 30, 2009. Plaintiff filed its Response to Cardinal Health 303, Inc.’s Objection to the Recommended Decision (Docket No. 69) on August 14, 2009. Defendant Cardinal Health, Inc. filed its Response to Plaintiff’s Objection to the Recommended Decision (Docket No. 72) on August 17, 2009.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.

2. It is hereby **ORDERED** that Defendant Cardinal Health, Inc.'s Motion to Dismiss (Docket No. 30) is **GRANTED**.
3. It is hereby **ORDERED** that Defendant Cardinal Health 303, Inc.'s Motion to Transfer (Docket No. 36) is **DENIED**.

/s/George Z. Singal
U.S. District Judge

Dated: August 19, 2008