Luxpro Corporation v. Apple, Inc. Doc. 49

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

LUXPRO CORPORATION, a
Taiwanese corporation PLAINTIFF

v. CASE NO. 08-CV-4092

APPLE, INC., f/k/a Apple Computer, Inc. DEFENDANT

ORDER

Before the Court is a Motion to Dismiss for Failure to State a Claim filed by Defendant Apple, Inc. (Doc. 23). Plaintiff Luxpro Corporation responded. (Doc. 34). Apple replied. (Doc. 37). The Court heard arguments from both parties at a hearing on September 1, 2009. For the reasons explained in the Memorandum Opinion of even date, the Court finds that Apple's Motion to Dismiss should be and hereby is **GRANTED** in part and **DENIED** in part. Luxpro's claim of attempted common law monopolization is **DISMISSED**. Furthermore, Luxpro's interference claims regarding Orchard Company, Web Worker, Carrefour, EUPA, 3C, ET Mall, Kaga Electronics, and Compu Import are **DISMISSED** without prejudice. Luxpro is directed to file any amendments to its First Amended Complaint regarding its commercial disparagement claim within 14 days of the date of this order.

IT IS SO ORDERED, this 28th day of September, 2009.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge

Dockets.Justia.com