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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

DEERPOINT GROUP, INC., an Illinois corporation, Plaintiff, v. AGRIGENIX, LLC, a Delaware limited liability company; et al. Defendants.	Case No. 1:18-cv-00536-JLT-BAM PROPOSED ORDER GRANTING STIPULATED ENTRY OF DEFAULT AND DISMISSAL OF CLAIMS Hon. Jennifer L. Thurston Hon. Barbara A. McAuliffe SAC Filed: February 24, 2020 Trial date: None
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AND RELATED COUNTERCLAIMS.

A Stipulated Entry of Default and a Dismissal of Claims was filed on July 14, 2023. (Doc. 253). In the stipulation, Plaintiff Deerpoint Group, Inc. and the Bankruptcy Estate of Defendant Agrigenix, LLC stipulate to entry of default against Defendant Agrigenix, LLC with respect to Plaintiff’s: First Claim for trade secret misappropriation under 18 U.S.C. sections 1836 et seq., the Second Claim for trade secret misappropriation under Cal. Civ. Code section 3426 et seq., the Third Claim for false advertising under 15 U.S.C. section 1125(a), the Seventh Claim for unfair competition under Cal. Bus. Prof. Code section 17200 et seq., and the Eighth Claim for patent infringement. (*Id.* at 2.) Plaintiff Deerpoint Group, Inc., and the Bankruptcy Estate of Defendant Agrigenix, LLC further stipulated to dismissal with prejudice as to Defendant Agrigenix, LLC’s operative counterclaims of property damage, unfair competition, intentional interference with

1 economic relationship, negligent interference with economic relationship, and declaratory
2 judgment of invalidity of United States Patent No. 8,919,334. (*Id.* at 2; *see* Doc. 92 at 20-27.)

3 In light of this stipulated dismissal, Agrigenix, LLC's counterclaims against Deerpoint
4 Group, Inc. are hereby dismissed with prejudice. Fed. R. Civ. P. 41(a)(1)(A)(ii).

5 Furthermore, the Clerk is directed to enter default against Agrigenix, LLC and in favor of
6 Deerpoint Group, Inc. with respect to each of Deerpoint Group, Inc.'s following claims against
7 Agrigenix, LLC:

- 8 • The First Claim for trade secret misappropriation under 18 U.S.C. sections 1836 et seq.,
- 9 • The Second Claim for trade secret misappropriation under Cal. Civ. Code section 3426
10 et seq.,
- 11 • The Third Claim for false advertising under 15 U.S.C. section 1125(a),
- 12 • The Seventh Claim for unfair competition under Cal. Bus. Prof. Code section 17200 et
13 seq., and
- 14 • The Eighth Claim for patent infringement.

15 This order does not resolve any of the claims made by Plaintiff Deerpoint Group, Inc.
16 against individual defendant Sean Mahoney.

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18 IT IS SO ORDERED.

19 Dated: July 27, 2023

/s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE