

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 08-cv-00867-WJM-KLM

MEDCORP, INC., an Ohio Corporation,

Plaintiff

v.

PINPOINT TECHNOLOGIES, INC., a Delaware Corporation, and
ZOLL DATA SYSTEMS, INC., a Delaware Corporation,

Defendants.

**ORDER WITHDRAWING PORTION OF MAY 6, 2011 ORDER AND GRANTING IN
PART AND REFERRING DEFENDANTS/COUNTERCLAIMANTS' MOTION FOR
ATTORNEYS' FEES TO MAGISTRATE JUDGE**

On April 4, 2011, Defendants/Counterclaimants filed Motion for Attorneys' Fees arguing that Defendants/Counterclaimants are entitled to recover their reasonable attorneys' fees under the Licensing Agreement executed between the parties in 1998. (ECF No. 419.) Plaintiff has not opposed the Motion and the time for doing so has long since passed.¹ Accordingly, the Court deems the Motion for Attorneys' Fees confessed and the Motion is **HEREBY GRANTED IN PART**, i.e., to the extent that it seeks the recovery of reasonable attorneys' fees. The Court hereby **REFERS** the Motion for

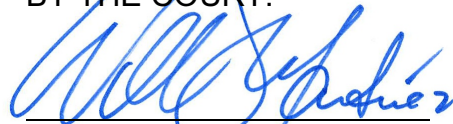
¹ On May 9, 2011, Plaintiff's Receiver filed a Response to the Motion for Attorneys' Fees stating that the terms of his receivership do not authorize him to participate in this litigation. (ECF No. 426.)

Attorneys' Fees to Magistrate Judge Kirsten L. Mix for a Recommendation as to what constitutes a reasonable fee award in this case.

Additionally, on May 6, 2011, the Court granted Defendants/Counterclaimants' Unopposed Motion to Dismiss Zoll Industries's Counterclaims. (ECF No. 425.) In so doing, the Court ordered that "[e]ach party shall pay its own attorney's fees and costs." (*Id.*) Given the Court's instant ruling on the Defendants/Counterclaimants' Motion for Attorneys' Fees, the Court HEREBY WITHDRAWS that portion of its May 6, 2011 Order regarding attorney's fees and costs which is inconsistent with the Court's ruling today that Defendants/Counterclaimants are entitled to an award of their reasonable attorneys' fees in this matter.

Dated this 18th day of May, 2011.

BY THE COURT:



William J. Martinez
United States District Judge