

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 13-cv-02604-CMA-KLM

CELLECT, LLC, a Colorado limited liability company,

Plaintiff,

v.

HTC AMERICA, INC., a Washington corporation,

Defendant.

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**ORDER DISMISSING ALL CLAIMS WITHOUT PREJUDICE**

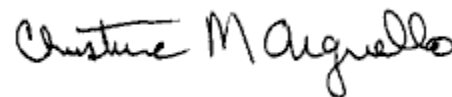
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This matter is before the Court on Plaintiff's Motion to Dismiss All Claims and Counterclaims Without Prejudice for Lack of Subject Matter Jurisdiction. (Doc. # 43) Plaintiff has executed a Release and Covenant Not to Assert (Doc. # 43-1), which divests this Court of subject-matter jurisdiction, as it has eliminated any case or controversy under Article III of the United States Constitution. *Accord Intellectual Prop. Dev., Inc. v. TCI Cablevision of California, Inc.*, 248 F.3d 1333, 1342 (Fed. Cir. 2001).

Accordingly, it is ordered that all present claims and counterclaims are DISMISSED WITHOUT PREJUDICE.

DATED: June 6, 2014

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge