

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

Civil Action No. 17-cv-0944-WJM-NYW

XY, LLC,  
BECKMAN COULTER, INC., and  
INGURAN, LLC d/b/a STGENETICS,

Plaintiffs,

v.

TRANS OVA GENETICS, LC,

Defendant.

---

**ORDER OVERRULING PLAINTIFFS' OBJECTIONS AND  
ADOPTING THE RECOMMENDATION OF THE MAGISTRATE JUDGE**

---

This matter is before the Court on the December 5, 2018 Recommendation of United States Magistrate Judge Nina Y. Wang ("Recommendation") (ECF No. 363) that the Court deny the Motion to Strike Substitute Stipulation ("Motion") (ECF No. 315) filed by Plaintiff XY, LLC ("XY") and Inguran, LLC d/b/a STGentics ("Inguran") (jointly, "Plaintiffs"). The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Plaintiffs filed "Plaintiffs' Objections to the Magistrate Judge's Recommendation on Their Motion to Strike Defendant's Withdrawal of Infringement Stipulation" ("Objections") on December 19, 2018 (ECF No. 371); thereafter, Trans Ova Genetics, LC ("Trans Ova") filed "Trans Ova's Response to XY's Objections to the Magistrate Judge's Recommendation on Its Motion to Strike Defendant's Withdrawal of Infringement Stipulation (Dkt. 371)" ("Response") on December 28, 2018 (ECF No.

373).

When a magistrate judge issues a recommendation on a dispositive matter,<sup>1</sup> Federal Rule of Civil Procedure 72(b)(3) requires that the district judge “determine de novo any part of the magistrate judge’s [recommendation] that has been properly objected to.” An objection to a recommendation is properly made if it is both timely and specific. *United States v. 2121 East 30th St.*, 73 F.3d 1057, 1059–60 (10th Cir. 1996). An objection is sufficiently specific if it “enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.” *Id.* at 1059. In conducting its review, “[t]he district judge may accept, reject, or modify the [recommendation]; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3).

The Court has fully considered all of the parties’ arguments set forth in the briefing on the Motion, the Objections, and the Response. Upon conducting a de novo review, the Court finds that Judge Wang’s analysis in the Recommendation was thorough and well-reasoned. Accordingly, the Court adopts the reasoning set forth in the Recommendation and overrules the Objections.

For the reasons set forth above, the Court ORDERS as follows:

1. Plaintiffs’ Objections (ECF No. 371) are OVERRULED;
2. The Recommendation (ECF No. 363) is ADOPTED in its entirety; and
3. Plaintiffs’ Motion to Strike Substitute Stipulation (ECF No. 315) is DENIED.

---

<sup>1</sup> Judge Wang recognized that “[t]he particular relief sought is not dispositive of any claim or defense,” but she nonetheless proceeded by way of a Rule 72(b) Recommendation “because the sought relief is inextricably intertwined with one of the arguments raised in Defendant’s concurrently filed Motion for Summary Judgment.” (ECF No. 363 at 1–2 n.1.) Out of an abundance of caution, the Court will likewise proceed under Rule 72(b).

Dated this 8<sup>th</sup> day of December, 2021.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "William J. Martinez", written over a horizontal line.

William J. Martinez  
United States District Judge