

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PROGRESSIVE CASUALTY )  
INSURANCE CO., ET AL., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
DRIVE TRADEMARK HOLDINGS LP, )  
ET AL., )  
 )  
Defendants. )

Civil Action No. 09-902-LPS-MPT

**ORDER**

And now this 26<sup>th</sup> day of September, 2011,

For the reasons set forth by the Court during the hearing on September 22, 2011,

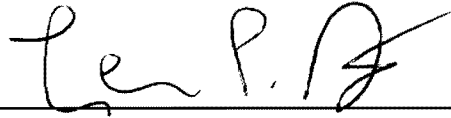
**IT IS HEREBY ORDERED** that:

1. Plaintiffs’ and defendants’ Objections (D.I. 95, 96) to Magistrate Judge Thyng’s Report and Recommendation (D.I. 94) are OVERRULED and the Report and Recommendation is hereby ADOPTED.

2. Plaintiffs’ motion for partial summary judgment (D.I. 71) is GRANTED in part and DENIED in part – granted with respect to Count I and denied with respect to Count II.

Delaware counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately

of any problems regarding compliance with this Order.

A handwritten signature in black ink, appearing to read "Len P. A.", written in a cursive style. The signature is positioned above a horizontal line.

UNITED STATES DISTRICT JUDGE