

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

EASTMAN CHEMICAL COMPANY,

:

:

Plaintiff,

:

:

v.

Civil Action No. 09-971-LPS-CJB

:

ALPHAPET INC., ET AL.,

:

:

Defendants.

:

**ORDER**

WHEREAS, Magistrate Judge Burke issued a Report and Recommendation (D.I. 75) dated November 4, 2011;

WHEREAS, the Report and Recommendation recommends that the Court GRANT Defendants' motion to dismiss (D.I. 15) the breach of contract claim against IRP and to dismiss the claim for breach of an implied contractual term of confidentiality without prejudice, but otherwise DENY the motion.

WHEREAS, any Objections to the Report and Recommendation were to be filed by November 21, 2011;

WHEREAS, neither party has filed an Objection to the Report and Recommendation;

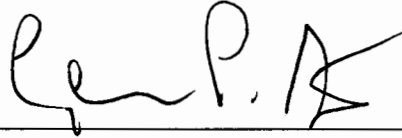
WHEREAS, the Court concludes that the Report and Recommendation should be adopted for the reasons stated by Magistrate Judge Burke;

NOW THEREFORE, IT IS HEREBY ORDERED that the Report and Recommendation (D.I. 75) is **ADOPTED**.

Defendants' motion to dismiss (D.I. 15) is (i) GRANTED as to the breach of contract claim against IRP, (ii) GRANTED WITHOUT PREJUDICE as to the claim for breach of an

implied contractual term of confidentiality, and (iii) DENIED in all other respects.

Dated: December 9, 2011

  
UNITED STATES DISTRICT JUDGE