

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MONEC HOLDING AG,  
:  
:  
Plaintiff, :  
:  
v. :  
:  
MOTOROLA MOBILITY, INC., ET AL., :  
:  
Defendants. :

Civil Action No. 11-798-LPS-SRF

**ORDER**

WHEREAS, Magistrate Judge Fallon issued a Report and Recommendation (D.I. 61) dated August 3, 2012;

WHEREAS, the Report and Recommendation recommends that the Court DENY as moot Defendants' motion to dismiss the original complaint (D.I. 30); and GRANT Defendants' motion to dismiss the first amended complaint (D.I. 41).

WHEREAS, any Objections to the Report and Recommendation (D.I. 61) were to be filed by August 20, 2012;

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

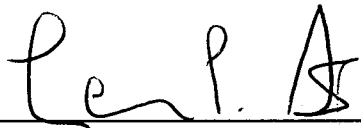
WHEREAS, the Court concludes that the Report and Recommendation should be adopted for the reasons stated by Magistrate Judge Fallon;

NOW THEREFORE, IT IS HEREBY ORDERED that the Report and Recommendation (D.I. 61) is **ADOPTED**; and

Defendants' motion to dismiss the original complaint (D.I. 30) is **DENIED** as moot. Defendants' motion to dismiss MONEC's claims in the first amended complaint for induced, contributory, and willful infringement of the reexamined '678 patent (D.I. 41) is **GRANTED** without

prejudice.

Dated: September 20, 2012

  
UNITED STATES DISTRICT JUDGE