

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

EXECWARE, LLC,

Plaintiff,

v.

STAPLES, INC.,

Defendant.

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Civil Action No. 11-836-LPS-SRF

**ORDER**

WHEREAS, Magistrate Judge Fallon issued a Report and Recommendation (D.I. 124) dated December 11, 2012;

WHEREAS, the Report and Recommendation recommends that the Court GRANT Defendant’s motion to dismiss (D.I. 39, 51) claims in the amended complaint for induced, contributory, and willful infringement of the ‘139 patent, without prejudice.

WHEREAS, any Objections to the Report and Recommendation (D.I. 124) were to be filed by January 2, 2013;

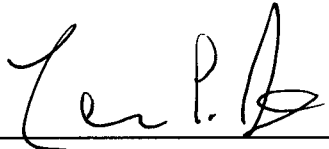
WHEREAS, neither party has filed an Objection to the Report and Recommendation;

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. 124) is **ADOPTED**, and Defendant’s motion to dismiss (D.I. 39, 51) claims in the amended complaint for induced, contributory, and willful infringement of the ‘139 patent is **GRANTED**,

without prejudice.

Dated: January 6<sup>th</sup>, 2013

  
UNITED STATES DISTRICT JUDGE