

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOHN W. MCDOWELL, JR.,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 12-1302-SLR/SRF
)	
UNITED STATES OF AMERICA and)	
KANNALIFE SCIENCES INC.,)	
)	
Defendants.)	

ORDER

At Wilmington this 5th day of June, 2013, having reviewed the Report & Recommendation that issued on May 10, 2013 (D.I. 14), as well as the objections filed thereto by plaintiff (D.I. 15);

IT IS ORDERED that the objections are overruled and the Report & Recommendation is adopted, for the reasons that follow:

1. With respect to defendant the United States of America, there can be no legal dispute that 28 U.S.C. § 1498 grants the United States Court of Federal Claims exclusive jurisdiction to hear all claims of patent infringement brought against the United States. Therefore, plaintiff lacks standing to bring such claims in this court.

2. With respect to defendant Kannalife Sciences Inc., the record indicates that plaintiff is neither the owner of the patent-at-issue (U.S. Patent No. 7,597,910)¹ nor an

¹Although plaintiff is the named inventor, the '910 patent was subsequently assigned and remains assigned to SLGM Medical Research Institute (Rehoboth, Delaware).

appropriate representative of the corporate owner.

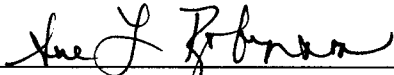
3. With respect to the remaining allegations, plaintiff has not satisfied the pleading requirements of *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).

THEREFORE, IT IS FURTHER ORDERED that:

1. The motion to dismiss filed by defendant the United States of America (D.I. 12) is granted, without prejudice.

2. The motion to dismiss filed by defendant Kannalife Sciences Inc. (D.I. 8) is granted, without prejudice.

3. The clerk of court is directed to close this case.


United States District Judge