

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TQ DELTA LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 15-614-RGA
	:	
DISH NETWORK CORPORATION, et al.,	:	
	:	
Defendants.	:	

MEMORANDUM ORDER

Defendants filed a motion to dismiss. (D.I. 9). It has been fully briefed. (D.I. 10, 13, 19). The only issue that remains is whether Plaintiff has adequately pled post-suit contributory infringement. (D.I. 13, p. 3; D.I. 19, p.1, n.1). It is not clear to me why resolving this issue will in any way alter the way this case develops. Plaintiff will be going forward with post-suit induced infringement, and would have an opportunity to amend the complaint for some period of time even if I were to dismiss the allegations.

That being said, as I understand the allegations, the accused products are all devices and services that include or use the allegedly infringing coaxial cables. It seems to me plausible that the coaxial cables have been sufficiently alleged to have no substantial non-infringing use, and to be a material part of the claimed invention. Thus, the motion to dismiss (D.I. 9) post-suit contributory infringement is **DENIED**.

IT IS SO ORDERED this 6 day of November 2015.


 United States District Judge