

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE: CTP INNOVATIONS, LLC,) MDL No. 14-MD-2581
PATENT LITIGATION)

CTP INNOVATIONS, LLC v.)
VERSA PRESS, INC.) 15-cv-2682-MJG

* * * * *

MEMORANDUM & ORDER RE: MOTION TO DISMISS

The Court has before it Defendant Versa Press, Inc.’s Motion to Dismiss Willful Infringement Claim and Supporting Memorandum [ECF No. 235] and the materials submitted relating thereto. The Court finds no need for a hearing to resolve the pending motion.

By the instant motion, Defendant seeks the dismissal of Plaintiff’s willful infringement claim on the basis that the allegations in the Complaint are insufficient under Fed. R. Civ. P. 12(b)(6).

Plaintiff’s allegations of willful infringement are essentially equivalent to those presented in cases included in this multi-district proceeding. In the Memorandum & Order Re: Motion to Dismiss, ECF No. 233, the Court addressed essentially identical motions in eleven of these cases. The Court therein denied dismissal of the direct infringement claim, dismissed the willfulness claim without prejudice to the right to seek to file

an amended complaint, and denied dismissal on § 101 grounds without prejudice to the right of defendants to renew the motion. The Court finds no reason to treat the instant motion differently from those resolved by the Memorandum & Order Re: Motion to Dismiss [ECF No. 233].

Accordingly, for the reasons as stated in the Court's prior decisions:

1. Defendant Versa Press, Inc.'s Motion to Dismiss Willful Infringement Claim [ECF No. 235] is GRANTED.
 - a. Plaintiff's willfulness claims are dismissed without prejudice to the right to seek leave to amend the complaint to add a willfulness claim.
2. Defendant may defer filing an Answer to the Complaint until required by further Order.¹
3. The parties shall proceed pursuant to the Letter Order of October 28, 2015 regarding the case planning conference.

SO ORDERED, on Monday, November 30, 2015.

/s/
Marvin J. Garbis
United States District Judge

¹ See Order Re: Deadline Extension [ECF No. 265].