

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:16-CV-1-D

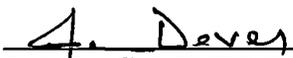
VALENCELL, INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 APPLE INC., )  
 )  
 Defendant. )

**ORDER**

On September 11, 2017, Valencell, Inc. (“Valencell”) moved to set aside portions of Magistrate Judge Gates’s order of August 28, 2017. See [D.E. 219]. On September 25, 2017, Apple, Inc. (“Apple”) responded in opposition. See [D.E. 226].

The court has reviewed the order of August 28, 2017, the record, and the briefs. The order is not “clearly erroneous” or “contrary to law.” Fed. R. Civ. P. 72(a); see 28 U.S.C. § 636(b)(1)(A). The record amply supports Judge Gates’s findings and the governing law amply supports his conclusions. Accordingly, Valencell’s motion [D.E. 219] is DENIED. The court DENIES Valencell’s motion to file a supplemental reply brief [D.E. 233] and Apple’s motion for leave to file a sur-reply [D.E. 240]. The court GRANTS Apple’s motion to refer the matter to Judge Gates to establish a schedule to complete discovery and file motions [D.E. 235].

SO ORDERED. This 7 day of December 2017.

  
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JAMES C. DEVER III  
Chief United States District Judge