

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-CV-2-D

VALENCELL, INC.,)
)
 Plaintiff,)
)
 v.)
)
 FITBIT, INC.,)
)
 Defendants.)

ORDER

On March 28, 2016, Valencell, Inc. moved to dismiss Fitbit, Inc.'s counterclaims. See [D.E. 21]. On April 21, 2016, Fitbit, Inc. responded in opposition. See [D.E. 26]. On May 5, 2016, Valencell, Inc. replied. See [D.E. 27].

The court has considered the motion to dismiss under the governing standard. See Fed. R. Civ. P. 12(b)(6). The motion to dismiss [D.E. 21] is DENIED.

SO ORDERED. This 27 day of May 2016.



JAMES C. DEVER III
Chief United States District Judge