

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

GREGORY WALKER JOHNSON,	:	Case No. 3:13-cv-204
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael J. Newman
vs.	:	
	:	
APPLE, INC.,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATIONS OF THE MAGISTRATE JUDGE (Doc. 66); (2) OVERRULING PLAINTIFF’S OBJECTIONS (Doc. 67); (3) GRANTING DEFENDANT’S MOTION TO DISMISS (Doc. 50); (4) DISMISSING PLAINTIFF’S AMENDED COMPLAINT (Doc. 46); (5) CERTIFYING THAT AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH AND THEREFORE DENYING PLAINTIFF LEAVE TO APPEAL IN FORMA PAUPERIS; AND (6) TERMINATING THIS CASE**

This case is before the Court on the Report and Recommendations of United States Magistrate Judge Michael J. Newman. (Doc. 66). In the Report and Recommendations, the Magistrate Judge recommends that Defendant’s motion to dismiss (Doc. 50) be granted, Plaintiff be denied leave to appeal *in forma pauperis*, and this case be closed. Plaintiff filed Objections (Doc. 67), Defendant filed a response (Doc. 68), and the issues are now ripe for decision by the Court.<sup>1</sup>

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<sup>1</sup> Plaintiff does not object to the specific conclusions of the Magistrate Judge. Instead, Plaintiff asserts a series of arguments unrelated to the proposed findings and recommendations. First, Plaintiff argues that Defendant violated the Local Patent Rules regarding initial disclosures. However, Plaintiff fails to address the Magistrate Judge’s conclusion that he lacks standing to assert a patent infringement claim because he does not allege patent ownership. Plaintiff also asserts that the Magistrate Judge should have recused because five years ago during his time in private practice other attorneys at his law firm were involved in a separate litigation with

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendations (Doc. 66) is **ADOPTED**;
2. Plaintiff's Objections (Doc. 67) are **OVERRULED**;
3. Defendant's Motion to Dismiss (Doc. 50) is **GRANTED**;
4. Plaintiff's Amended Complaint (Doc. 46) is **DISMISSED**;
5. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order would not be taken in good faith and therefore Plaintiff is **DENIED** leave to appeal *in forma pauperis*. He remains free, however, to apply to proceed *in forma pauperis* in the Court of Appeals; and
6. This civil action is **TERMINATED**.

**IT IS SO ORDERED.**

Date: 9/8/2014

/s/Timothy S. Black  
Timothy S. Black  
United States District Judge

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Plaintiff. Plaintiff does not allege that the Magistrate Judge had any personal involvement or knowledge of this other action and does not allege that this action is related in any way. The Court concludes that the Magistrate Judge's impartiality cannot reasonably be questioned on this or any other basis. 28 U.S.C. § 455.