

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NOVA DESIGN TECHNOLOGIES, LTD.	:	CIVIL ACTION
	:	
v.	:	
	:	
MATTHEW K. WALTERS, et al.	:	NO. 10-7618

ORDER

AND NOW, this 27th day of June, 2012, upon consideration of the motion for summary judgment of the defendants Matthew Walters, Dale Walters, and Brian Guerra ("individual defendants") (Docket No. 93), and the motions for summary judgment of No Conversion (Docket No. 94), No Fraudulent Concealment or Nondisclosure (Docket No. 96), and No Trade Secret Misappropriation (Docket No. 98) of the defendants Children's Medical Ventures, LLC, Respironics, Inc., and Respironics Novamatrix, LLC ("corporate defendants"), the plaintiff's responses thereto, the defendants' briefs in reply, after oral argument on the motions on May 9, 2012, and for the reasons stated in a memorandum of law bearing today's date, IT IS HEREBY ORDERED that:

1. The claims for conversion and for correction of inventorship in Counts IV and VI against Brian Guerra and Dale Walters are DISMISSED WITH PREJUDICE as withdrawn by the plaintiff;

2. The claim for fraudulent concealment or nondisclosure in Count IV against Dale Walters is DISMISSED WITH PREJUDICE as withdrawn by the plaintiff;
3. The individual defendants' motion for summary judgment is GRANTED IN PART as follows:
 - A. With respect to Matthew Walters on Counts II and IV; and
 - B. With respect to all individual defendants on Counts III and V;
4. The individual defendants' motion as to Count VI is DENIED with respect to Matthew Walters;
5. The corporate defendants' motions for summary judgment are GRANTED.

WHEREAS the sole remaining claim (Count VI) in the current phase of the bifurcated proceedings relates to patent ownership, IT IS FURTHER ORDERED that the parties shall discuss a proposed schedule and list of activities with respect to that claim. If the parties can agree on a proposed schedule, counsel for the plaintiff shall submit that to the Court on or before

July 20, 2012. If the parties cannot agree, each side shall submit a proposed schedule by that date.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.