

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

INSYTE MEDICAL : CIVIL ACTION
TECHNOLOGIES, INC. :
 :
v. :
 :
LIGHTHOUSE IMAGING, LLC : NO. 13-1375

ORDER

AND NOW, this 11th day of March, 2014, upon consideration of the defendant's Motion to Dismiss Counts I, II, IV and V of the Plaintiff's Complaint (Docket No. 3), and the opposition and reply thereto, IT IS HEREBY ORDERED, for the reasons stated in a memorandum of law bearing today's date, that the defendant's motion is GRANTED. Counts I, II, IV, and V of the complaint are dismissed. The plaintiff's claim for breach of contract (Count III), not at issue in this motion to dismiss, shall proceed. If the plaintiff concludes, as a result of ongoing discovery into the breach of contract claim, that additional facts exist that support the dismissed claims, it may file an amended complaint prior to the close of discovery.

BY THE COURT:

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