

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THE HERSHEY COMPANY,	:	10-cv-1178
Plaintiff/Counterclaim Defendant,	:	Hon. John E. Jones III
	:	
v.	:	
	:	
HOTTRIX, LLC.,	:	
Defendant/Counterclaim Plaintiff.	:	

ORDER

December 27, 2010

Plaintiff Hershey Company initiated this action on June 2, 2010 with the filing of a Complaint. (Doc. 1.) Defendant Hottrix, LLC filed an Answer and Counterclaims on September 13, 2010 (Doc. 19), and Plaintiff filed a Motion to Dismiss Defendant's Counterclaims and for Judgment on the Pleadings on September 27, 2010 (Doc. 25). Defendant timely filed an Amended Answer and Counterclaims on October 7, 2010 (Doc. 33), and Plaintiff filed a responsive Motion to Dismiss Defendant's Counterclaims and for Judgment on the Pleadings (Doc. 36)¹. Therefore, the original Motion to Dismiss and for Judgment on the Pleadings shall be denied as moot.

¹Counterclaim Defendant Versatile Systems, Inc. properly joined in Plaintiff's Motion. (Doc. 36.)

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Plaintiff's First Motion to Dismiss Counterclaims and for Judgment on the Pleadings (Doc. 25) is **DENIED AS MOOT.**

/s/ John E. Jones III
John E. Jones III
United States District Judge