

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

INTERMETRO INDUSTRIES CORP.,	:	
	:	
Plaintiff,	:	
v.	:	3:13-CV-02854
	:	(JUDGE MARIANI)
ENOVATE MEDICAL, LLC,	:	
	:	
Defendant.	:	

ORDER

AND NOW, THIS 14 **DAY OF MARCH, 2017,** upon consideration of InterMetro Industries Corporation's Motion for Leave Under Fed. R. Civ. P. 15(d) to File a Third Amended Complaint (Doc. 166), **IT IS HEREBY ORDERED THAT:**

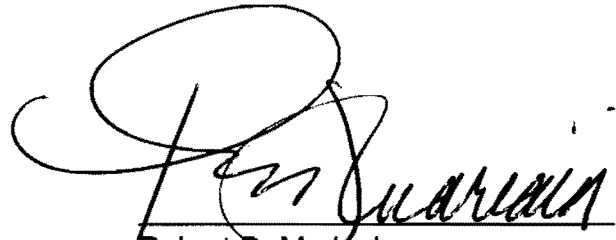
1. Plaintiff's Motion for Leave to File a Third Amended Complaint (Doc. 166) is

GRANTED as follows:

- a. Within **SEVEN (7) DAYS** from the date of this Order, Plaintiff shall file its Third Amended Complaint in the form submitted to this Court.
- b. Plaintiff may file its Third Amended Complaint in redacted form or under seal if necessary, so long as the Court is provided with an unredacted copy of the Third Amended Complaint.

2. Plaintiff's Motion to Dismiss Enovate's Counterclaims III and IV and Enovate's Third Affirmative Defense Pursuant to Fed. R. Civ. P. 12(b)(6) (Doc. 146) is **DENIED AS MOOT**. Should it so choose, Plaintiff may file a new motion to dismiss at such time

when Defendant has filed its Answer, Counterclaims, and Affirmative Defenses in response to Plaintiff's Third Amended Complaint.

A handwritten signature in black ink, appearing to read "R. Mariani". The signature is written in a cursive style with a large, looping initial "R".

Robert D. Mariani
United States District Judge