

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

DAVID ROGERS and OPTION-X, LLC :  
 :  
 :  
 Plaintiffs, :  
 :  
 v. : 3:16-CV-00137  
 : (JUDGE MARIANI)  
 :  
 GENTEX CORPORATION, :  
 :  
 :  
 Defendant. :

ORDER

AND NOW, THIS 6<sup>th</sup> DAY OF MARCH 2017, upon consideration of Defendant's

Motion to Dismiss, (Doc. 34), **IT IS HEREBY ORDERED THAT:**

1. Defendant's Motion to Dismiss, (Doc. 34), is **GRANTED IN PART AND DENIED IN PART.**
2. Defendant's Motion to Dismiss Count I is **DENIED.**
3. Defendant's Motion to Dismiss Count II is **DENIED.**
4. Defendant's Motion to Dismiss Count III is **GRANTED.** Count III is **DISMISSED AS MOOT.**
5. Defendant's Motion to Dismiss Count IV is **DENIED.**
6. Defendant's Motion to Dismiss Count V is **GRANTED.** Count V is **DISMISSED WITHOUT PREJUDICE.**
7. Defendant's Motion to Dismiss Count VI is **GRANTED.** Count VI is **DISMISSED WITHOUT PREJUDICE.**

8. Defendant's Motion to Dismiss Count VII is **GRANTED**. Count VII is **DISMISSED WITHOUT PREJUDICE**.
9. Plaintiffs may file a Second Amended Complaint within **twenty-one (21) days** of the date of this Order.

A handwritten signature in black ink, appearing to read "R. Mariani", written over a horizontal line.

Robert D. Mariani  
United States District Judge