

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

GENTEX CORPORATION,

Plaintiff.

v.

HELICOPTER HELMETS, LLC,

Defendant.

No. 4:17-CV-01136

(Judge Brann)

ORDER

AND NOW, this 12th day of February 2018, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Dismiss, ECF No. 9, is **GRANTED** as follows:
 - a. Count I of Plaintiff's Complaint, ECF No. 1, is **DISMISSED WITHOUT PREJUDICE**, but Plaintiff is **GRANTED** leave to amend that claim as indicated in the accompanying Memorandum Opinion **no later than twenty-one days** from the date of this Order.
 - b. Count II of Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

- c. Count III of Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**, but Plaintiff is **GRANTED** leave to amend that claim as indicated in the accompanying Memorandum Opinion **no later than twenty-one days** from the date of this Order.
- d. Proceedings on Count IV of Plaintiff's Complaint are **STAYED** pending resolution of *Helicopter Helmets v. Gentex Co.*, No. 1:17-CV-00479 (D. Del.), but if Plaintiff does not amend its complaint within twenty-one days from the date of this Order, the Clerk of Court is ordered to **TRANSFER** this case to the United States District Court for the District of Delaware.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge