

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

AKZENTA PANELEE + PROFILE	§	
GMBH; AKZENTA VERTRIEBS	§	
GMBH; and W. CLASSEN GMBY & CO.	§	
KG,	§	CASE NO. 2:10-CV-16-TJW-CE
	§	
<i>Plaintiffs,</i>	§	
v.	§	JURY TRIAL DEMANDED
	§	
SHAW INDUSTRIES GROUP, INC, et	§	
al.,	§	
	§	
<i>Defendants.</i>	§	

**ORDER**

The above-titled and numbered civil action was referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge (Dkt. No. 77) has been presented for consideration. The report recommends that the court construe Plaintiffs’ motions to dismiss and/or strike Defendants’ inequitable conduct counterclaims and affirmative defenses as motions for a more definite statement pursuant to Federal Rule of Civil Procedure 12(e). The report recommends granting the motions for a more definite statement with respect to Defendants’ three theories of inequitable conduct and ordering Defendants to file amended inequitable conduct defenses and counterclaims within fourteen (14) days of any order adopting the report. Defendant filed objections to the report (Dkt. No. 79).

The court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court OVERRULES Defendants’ objections and adopts the report of the United States Magistrate Judge, in its entirety, as the conclusions of this court. Accordingly, it is

ORDERED that Plaintiffs' motions to dismiss and/or strike Defendants' inequitable conduct counterclaims and affirmative defenses are deemed motions for a more definite statement. It is further ORDERED that the motions are GRANTED. Finally, it is ORDERED that Defendants are GRANTED leave to file amended inequitable conduct defenses and counterclaims within fourteen (14) days of the issuance of this order.

SIGNED this 29th day of September, 2011.

A handwritten signature in black ink that reads "T. John Ward". The signature is written in a cursive style with a horizontal line underneath it.

T. JOHN WARD  
UNITED STATES DISTRICT JUDGE