

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

PERSONAL AUDIO, LLC

v.

TOGI ENTERTAINMENT, INC.

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Case No. 2:13-CV-13-JRG-RSP
Lead Case

ORDER

Currently before the Court is the Report and Recommendation filed by Magistrate Judge Payne on February 14, 2014 (Dkt. No. 65) regarding Plaintiff Personal Audio’s Motion to Dismiss Defendant Togi Entertainment, Inc.’s (“Togi”) affirmative defenses and counterclaims for failure to state a claim upon which relief can be granted (Dkt. 6, filed April 1, 2013, referred to herein as the “Motion”). No objections having been filed and for the reasons set forth in the Court’s Report and Recommendation, the Recommendation is adopted. Accordingly,

IT IS ORDERED that Personal Audio’s Motion to Dismiss Defendant Togi’s affirmative defenses and counterclaims for failure to state a claim upon which relief can be granted (Dkt. 6) is **DENIED**.

So Ordered and Signed on this

Mar 31, 2014



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE