

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

PERSONAL AUDIO, LLC

§

v.

§

Case No. 2:13-CV-15-JRG-RSP

§

HOWSTUFFWORKS.COM

§

§


ORDER

Currently before the Court is the Report and Recommendation filed by Magistrate Judge Payne on March 11, 2014 (Dkt. No. 28) regarding Defendant Howstuffworks.com's ("HSW") Motion to Dismiss Plaintiff Personal Audio's claims for enhanced damages and attorney's fees for "willful" infringement (Dkt. 16, filed May 16, 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 HSW's Motion to Dismiss Personal Audio's claims for enhanced damages and attorney's fees for "willful" infringement (Dkt. 16) is **GRANTED** and that Personal Audio's claims for willful infringement is **DISMISSED WITHOUT PREJUDICE** until such time as Personal Audio obtains the factual basis to properly plead such a claim.

So Ordered and Signed on this

Mar 31, 2014



 RODNEY GILSTRAP
 UNITED STATES DISTRICT JUDGE