

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

SYNCPOINT IMAGING, LLC,

*Plaintiff,*

v.

NINTENDO OF AMERICA INC., et al.;

*Defendants.*

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Case No. 2:15-cv-00247-JRG-RSP

**ORDER**

Before the Court is the Report and Recommendation entered by Magistrate Judge Payne, which recommends denying SyncPoint’s motion to dismiss the case without prejudice for mootness and further recommends that a dismissal with prejudice be entered. For dispositive matters referred to a Magistrate Judge, the district court must “determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(C). “The district judge may accept, reject, or modify the recommend disposition.” Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(C). Having fully reviewed the Report and Recommendation de novo, and having found SyncPoint’s objections unpersuasive, the Court finds no reason to reject or modify the recommended disposition.


Accordingly,

It is **ORDERED**:

- (1) SyncPoint’s objections to the Magistrate Judge’s Report and Recommendation, Dkt. No. 282, are **OVERRULED**.
- (2) The Magistrate Judge’s Report and Recommendation, Dkt. No. 279, is **ADOPTED**.
- (3) SyncPoint’s motion to dismiss without prejudice, Dkt. No. 260, is **DENIED**.

(4) This case is hereby **DISMISSED WITH PREJUDICE**. The Clerk is directed to close this case.

**So ORDERED and SIGNED this 9th day of February, 2018.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE