

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

FALKON TREASURES LLC,	§	
	§	
<i>Plaintiff,</i>	§	Case No. 2:16-CV-00653-JRG-RSP
	§	
v.	§	
	§	
ADIDAS AMERICA, INC.,	§	
	§	
<i>Defendant.</i>	§	

ORDER

Before the Court is the Report and Recommendation filed by Magistrate Judge Payne on December 26, 2016 (Dkt. No. 35) recommending that motions to dismiss filed by Defendants Burlington Coat Factory Direct Corporation (Dkt. No. 15), Adidas America, Inc. (Dkt. No. 20), and Limited Stores, LLC (Dkt. No. 22) be granted. Judge Payne found that the patent claims asserted by Plaintiff Falkon Treasures LLC (“Falkon”) fail to recite patentable subject-matter under 35 U.S.C. § 101, and thus Falkon had failed to state a cognizable claim under Rule 12(b)(6). Dkt. No. 35. Having considered the objections to Judge Payne’s Report and Recommendation filed by Falkon and finding them to be without sufficient merit, the Report and Recommendation is **ADOPTED**.

The motions to dismiss filed by Defendants Burlington Coat Factory Direct Corporation (Dkt. No. 15), Adidas America, Inc. (Dkt. No. 20), and Limited Stores, LLC (Dkt. No. 22) are **GRANTED**, and Falkon’s Complaints are hereby **DISMISSED**. A separate Order entering Final Judgment will follow. *See* Fed. R. Civ. Proc. 58(a).

So ORDERED and SIGNED this 17th day of April, 2017.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE