

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

Bartonfalls LLC,

v.

Turner Broadcasting System, Inc.

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Case No. 2:16-CV-1130-JRG-RSP
LEAD CASE

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation filed by Magistrate Judge Roy Payne on March 15, 2017 (Dkt. No. 43) recommending granting of Dkt. No. 42, Defendants’ Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (the “Motion”). The Report and Recommendation states two reasons supporting dismissal of this case. First, the Report and Recommendation concluded that all allegations concerning U.S. Patent 9,094,694 should be dismissed because the patent expired before it issued. Second, with respect to the other two asserted patents and the remaining claims, the Report and Recommendation concluded that Plaintiff has no plausible basis for alleging that the claim limitation “TV Channel” covers URLs.

Having considered the Motion and the Report and Recommendation, the Court agrees. Plaintiff also has not made a timely objection to the Report and Recommendation. Therefore, the Court is of the opinion that the Recommendation should be and hereby is **ADOPTED** and the Motion (Dkt. No. 43) is **GRANTED**. The Complaint fails to state a claim for patent infringement and all claims against all Defendants are **DISMISSED WITH PREJUDICE**.

So Ordered this

Apr 7, 2017



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE