

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

PREFERENTIAL NETWORKS IP, LLC, §
 §
 Plaintiff, §
 §
 v. §
 §
 AT&T INC. MOBILITY, LLC D/B/A §
 AT&T MOBILITY, AT&T MOBILITY §
 II LLC D/B/A AT&T MOBILITY, §
 NEW CINGULAR WIRELESS §
 SERVICES, INC. D/B/A AT&T §
 MOBILITY, and CRICKET §
 WIRELESS LLC, §
 §
 Defendants. §

No. 2:16-cv-01374-JRG-RSP


ORDER

The above entitled and numbered civil action was referred to United States Magistrate Judge Roy S. Payne pursuant to 28 U.S.C. § 636. Now before the Court is the Report and Recommendation (Dkt. No. 44) by Magistrate Judge Payne, which recommends that Defendants’ Motion to Dismiss Under Fed. R. Civ. P. 12(B)(6) (Dkt. No. 19) be granted in part. Defendants objected to the Report (Dkt. No. 45) and Preferential Networks responded (Dkt. No. 46).

Having considered the Report and Recommendation, Defendants’ objections, and Preferential Networks’s response, **IT IS ORDERED** that Magistrate Judge Payne’s Report and Recommendation (Dkt. No. 44) is hereby **ADOPTED** and Defendants’ objections (Dkt. No. 45) are **OVERRULED**. Defendants’ Motion (Dkt. No. 19) is therefore **GRANTED IN PART**. The

Court **GRANTS** Defendants' Motion as to Preferential Networks's allegations of pre-complaint willfulness, but **DENIES** the motion in all other respects.

So ORDERED and SIGNED this 31st day of August, 2017.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE