

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

MOBILE EQUITY CORP.,
Plaintiff,

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v.

Case No. 2:21-cv-00126-JRG-RSP

WALMART INC.,
Defendant.

ORDER

In this case, the parties filed cross motions pursuant to 35 U.S.C. § 101, with Defendant Walmart Inc. filing a Motion For Summary Judgment of Invalidity Pursuant to 35 U.S.C. § 101 (“Walmart’s Motion”) (Dkt. No. 199) and Plaintiff Mobile Equity Corp. filing a Motion for Summary Judgment on Patent-Eligible Subject-Matter Under § 101 (“Mobile Equity’s Motion”) (Dkt. No. 202.) Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 363), recommending denying Walmart’s Motion and granting Mobile Equity’s Motion. Walmart has now filed Objections (Dkt. No. 372.)

After conducting a *de novo* review of the briefing on Walmart’s Motion, the briefing on Mobile Equity’s Motion, the Report and Recommendation, and Walmart’s Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was erroneous. Consequently, the Court **OVERRULES** Walmart’s Objections and **ADOPTS** the Report and Recommendation and orders that Walmart’s Motion (Dkt. No. 199) is **DENIED** and Mobile Equity’s Motion (Dkt. No. 202) is **GRANTED**.

So ORDERED and SIGNED this 26th day of September, 2022.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE