

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IMPERIUM (IP) HOLDINGS, INC,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Case No. 4:11cv163
	§	(Judge Clark/Judge Mazzant)
APPLE INC., ET AL.	§	
	§	
<i>Defendants.</i>	§	

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 18, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that defendants’ Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) for Lack of Standing [Doc. #257] be denied [Doc. #313]. On December 31, 2012, moving defendants filed objections to the report [Doc. #340]. On January 17, 2013, plaintiff filed a response to moving defendants’ objections [Doc. #378].

The Magistrate Judge recommended denial of this motion as moot because the court allowed plaintiff to amend to correct its name from “Imperium (IP) Holdings, Inc.” to “Imperium IP Holdings (Cayman), Ltd.” The moving defendants’ only objection is based upon the pending motion to reconsider the Magistrate Judge’s decision to allow plaintiff to amend to change its name. Because the court has determined, in a separate order, that the Magistrate Judge’s decision to allow the amendment was not clearly erroneous and contrary to law, the court finds that the objection has no merit.

Having received the report of the United States Magistrate Judge, and considering the objections thereto filed by the moving defendants as well as plaintiff's response thereto, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) for Lack of Standing [Doc. #257] is DENIED.

So **ORDERED** and **SIGNED** this **2** day of **February, 2013**.



Ron Clark, United States District Judge