

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

**BEDROCK COMPUTER,
TECHNOLOGIES, LLC,**

Plaintiff,

v.

**SOFTLAYER TECHNOLOGIES,
INC., ET AL.,**

Defendants.

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No. 6:09cv269 LED-JDL

JURY DEMANDED

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

Before the Court is Defendants' Motion for Summary Judgment of Invalidity of U.S. Patent No. 5,893,120 (Doc. No. 462). Bedrock Computer Technologies, LLC ("Bedrock") has filed a response (Doc. No. 534) and Defendants have filed a reply (Doc. No. 573). Also before the Court is Defendants' Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 5,893,120 (Doc. No. 463). Bedrock has filed its Response (Doc. No. 533), and Defendants have replied (Doc. No. 574). The Court heard argument on the Motions on March 17, 2011. Upon consideration of the parties' arguments, the Court **RECOMMENDS** that Defendants' Motions be **DENIED**.

Within fourteen (14) days after receipt of the Magistrate Judge's Report, any party may serve and file written objections to the findings and recommendations contained in the Report. A party's failure to file written objections to the findings, conclusions and recommendations contained in this Report within fourteen (14) days after being served with a copy shall bar that party from *de novo* review by the district judge of those findings, conclusions and recommendations and, except on grounds of plain error, from appellate review of unobjected-to factual findings and legal conclusions

accepted and adopted by the district court. *Douglass v. United States Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996).

So ORDERED and SIGNED this 25th day of March, 2011.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE