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

STRAGENT LLC,	§	
	§	
v.	§	**CASE NO. 6:16-CV-446-RWS-KNM**
	§	**LEAD CASE**
BMW OF NORTH AMERICA, LLC, *et al.*	§	
	§	
	§	

STRAGENT LLC,	§	
	§	
v.	§	**CASE NO. 6:16-CV-447-RWS-KNM**
	§	
MERCEDES-BENZ USA, LLC, *et al.*	§	
	§	
	§	

STRAGENT LLC,	§	
	§	
v.	§	**CASE NO. 6:16-CV-448-RWS-KNM**
	§	
VOLVO CARS OF NORTH AMERICA, LLC	§	
	§	
	§	

ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Before the Court is the Report and Recommendation of the Magistrate Judge (Docket No. 120) containing her findings, conclusions and recommendations regarding the BMW Defendants' Motion for Summary Judgment of Invalidity and Noninfringement (Docket No. 109) and Plaintiff Stragent LLC's Motion to Dismiss for Lack of Jurisdiction (Docket No. 111). The Report, filed on June 10, 2019, recommends that Plaintiff's claims

against the BMW Defendants[1] be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). The Report further recommends finding that the BMW Defendants are the prevailing parties and are entitled to an award of costs. The Report additionally recommends denying the BMW Defendants' request to bifurcate the quantum with respect to moving for attorneys' fees. Lastly, the Report recommends denying the BMW Defendants' Motion for Summary Judgment of Invalidity and Noninfringement (Docket No. 109) as moot.

The Report recommends that Plaintiff's Motion to Dismiss for Lack of Jurisdiction (Docket No. 111) be granted-in-part and that Plaintiff's claims against Volvo Cars of North America, LLC ("Volvo") and the Mercedes-Benz Defendants[2] be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction. The Report also recommends finding that Volvo and the Mercedes-Benz Defendants are prevailing parties and are entitled to an award of costs.

No written objections have been filed. Having reviewed the Report and relevant documents, the Court hereby **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court. It is therefore

ORDERED that Plaintiff's claims against the BMW Defendants are **DISMISSED WITH PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(a)(2). The BMW Defendants are the prevailing parties and are entitled to an award of costs. The BMW Defendants' request to bifurcate the quantum with respect to moving for attorneys' fees is **DENIED**. It is further

[1] The "BMW Defendants" include BMW of North America, LLC and BMW Manufacturing Co., LLC.
[2] The "Mercedes-Benz Defendants" include Mercedes-Benz USA, LLC, Mercedes-Benz U.S. International, Inc., and Daimler North America Corporation.

ORDERED that Plaintiff's Motion to Dismiss for Lack of Jurisdiction (Docket No. 111) is **GRANTED-IN-PART**, and Plaintiff's claims against Volvo and the Mercedes-Benz Defendants are **DISMISSED WITH PREJUDICE** pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction. Volvo and the Mercedes-Benz Defendants are the prevailing parties and are entitled to an award of costs. It is further

ORDERED that the BMW Defendants' Motion for Summary Judgment of Invalidity and Noninfringement (Docket No. 109) is **DENIED AS MOOT**.

So ORDERED and SIGNED this 23rd day of July, 2019.

Robert W Schroeder III

ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE