

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DHI GROUP, INC. f/k/a DICE HOLDINGS, INC. §
and RIGZONE.COM, INC., §

Plaintiffs, §

v. §

CIVIL ACTION H-16-1670

DAVID W. KENT, JR. SINGLE INTEGRATED §
OPERATIONS PORTAL, INC. d/b/a OILPRO §
and OILPRO.COM, *et al.*, §

Defendants. §

MEMORANDUM OPINION AND ORDER


Pending before the court is a Memorandum and Recommendation (“M&R”) in which the Magistrate Judge recommends denying the affirmative motion for partial summary judgment filed by plaintiffs DHI Group, Inc. f/k/a Dice Holdings, Inc. and Rigzone.com, Inc. (collectively, “Plaintiffs”) (Dkt. 227), granting in part and denying in part Plaintiffs’ motion for summary judgment on the counterclaims of defendants Single Integrated Operations Portal, Inc. d/b/a Oilpro and OILPRO.com (“Oilpro”) (Dkt. 228), and granting in part and denying in part Oilpro and defendant David W. Kent, Jr.’s (collectively, “Defendants”) motion for summary judgment (Dkt. 231). Dkt. 278. The parties have not filed objections to the M&R. “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the [Magistrate Judge’s] recommendation.” Fed. R. Civ. P. 72(b), Advisory Comm. Notes. The court has reviewed the record and filed no clear error. Accordingly, the M&R (Dkt. 278) is ADOPTED IN FULL.

Accordingly, Plaintiffs' affirmative motion for summary judgment (Dkt. 227) is DENIED.

Plaintiffs' motion for summary judgment on Oilpro's counterclaims (Dkt. 228) is GRANTED IN PART AND DENIED IN PART. It is GRANTED with respect to Oilpro's counterclaims for tortious interference with prospective business relations, violation of the Digital Millennium Copyright Act, copyright infringement, and trademark infringement in violation of 15 U.S.C. § 1051 and Texas common law. These counterclaims are DISMISSED WITH PREJUDICE. Plaintiffs' motion for summary judgment on Oilpro's counterclaims is otherwise DENIED.

Defendants' motion for summary judgment (Dkt. 231) is GRANTED IN PART AND DENIED IN PART. It is GRANTED with respect to Plaintiffs' Texas Uniform Trade Secrets Act claims related to the Google analytics data and internet search techniques; (2) Plaintiffs' cause of action for violations of the Stored Wire and Electronic Communications and Transactional Records Access Act; (3) Plaintiffs' Racketeer Influenced and Corrupt Organizations Act claim pursuant to Section 1962(a); and (3) Plaintiffs' Computer Fraud and Abuse Act, Texas Harmful Access by Computer Act, and misappropriation of confidential information claims. These claims are DISMISSED WITH PREJUDICE. Defendant's motion for summary judgment is otherwise DENIED.

Signed at Houston, Texas on August 8, 2019.



Gray H. Miller
Senior United States District Judge