Brainware, Inc. v. Scan-Optics, Ltd. Doc. 60

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

FILED
JUN - 4 2012
CLERK, U.S. DISTRICT COURT
RICHMOND, VA

BRAINWARE, INC.,

Plaintiff,

v. Civil Action No. 3:11cv755

SCAN-OPTICS, LTD.,
et al.,

Defendants.

ORDER

By Order entered herein on April 23, 2012 the pending MOTION TO DISMISS (Docket No. 25) and SCAN-OPTICS, LLC'S MOTION FOR A LIMITED STAY OF DISCOVERY (Docket No. 35) were referred to Magistrate Judge David J. Novak for report and recommendation.

Having reviewed the REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 45) entered herein on May 9, 2012, the OBJECTIONS OF DEFENDANT SCAN-OPTICS, LLC TO MAGISTRATE JUDGE NOVAK'S REPORT AND RECOMMENDATION ON ITS MOTION TO DISMISS PLAINTIFF'S COMPLAINT (Docket No. 47), the PLAINTIFF'S RESPONSE TO OBJECTIONS OF DEFENDANT SCAN-OPTICS, LLC TO MAGISTRATE JUDGE NOVAK'S REPORT AND RECOMMENDATION ON ITS MOTION TO DISMISS COMPLAINT (Docket No. 53), REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF DEFENANT SCAN-OPTICS, LLC'S OJBECTIONS TO MAGISTRTE JUDGE NOVAK'S REORT AND RECOMMENDATION ON ITS MOTION TO DISMISS (Docket No. 55), and having considered the

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record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that:

(1) The OBJECTIONS OF DEFENDANT SCAN-OPTICS, LLC TO MAGISTRATE JUDGE NOVAK'S REPORT AND RECOMMENDATION ON ITS MOTION TO DISMISS PLAINTIFF'S COMPLAINT (Docket No. 47) are overruled;

(2) The REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 45) is ADOPTED on the basis of the reasoning of the REPORT AND RECOMMENDATION;

(3) The MOTION TO DISMISS (Docket No. 25) filed by Scan-Optics, LLC is denied;

(4) SCAN-OPTICS, LLC'S MOTION FOR A LIMITED STAY OF DISCOVERY (Docket No. 35) is denied.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

It is so ORDERED.

/s/ REP

Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: May 31, 2012