

**UNITED STATES DISTRICT COURT
District of Maine**

ERGO LICENSING, LLC,)	
)	
Plaintiff)	
)	
v.)	Civil No. 08-259-P-S
)	
CARDINAL HEALTH, INC., et al,)	
)	
Defendant)	
)	

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on July 13, 2009, his Recommended Decision (Docket No. 65). Plaintiff filed its Objection to the Recommended Decision (Docket No. 67) on July 30, 2009. Defendant Cardinal Health 303, Inc. filed its Objection to the Recommended Decision (Docket No. 68) on July 30, 2009. Plaintiff filed its Response to Cardinal Health 303, Inc.'s Objection to the Recommended Decision (Docket No. 69) on August 14, 2009. Defendant Cardinal Health, Inc. filed its Response to Plaintiff's Objection to the Recommended Decision (Docket No. 72) on August 17, 2009.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.

2. It is hereby **ORDERED** that Defendant Cardinal Health, Inc.'s Motion to Dismiss (Docket No. 30) is **GRANTED**.
3. It is hereby **ORDERED** that Defendant Cardinal Health 303, Inc.'s Motion to Transfer (Docket No. 36) is **DENIED**.

/s/George Z. Singal

U.S. District Judge

Dated: August 19, 2008

Plaintiff

ERGO LICENSING LLC

represented by **PETER S. BLACK**
VERRILL DANA LLP
ONE PORTLAND SQUARE
P.O. BOX 586
PORTLAND , ME 04112
207-774-4000, ext. 4642
Email: pblack@verrilldana.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ELIZABETH M. FRANKEL
VERRILL DANA LLP
ONE PORTLAND SQUARE
P.O. BOX 586
PORTLAND , ME 04112
(207) 253-4522
Email: efrankel@verrilldana.com
ATTORNEY TO BE NOTICED

JAMES G. GOGGIN
VERRILL DANA LLP
ONE PORTLAND SQUARE
P.O. BOX 586
PORTLAND , ME 04112
(207) 253-4602
Email: jgoggin@verrilldana.com
ATTORNEY TO BE NOTICED

V.

Defendant

CARDINAL HEALTH INC
TERMINATED: 08/19/2009

represented by **ERICA PASCAL**
DLA PIPER LLP (US)
401 B STREET
SUITE 1700
SAN DIEGO , CA 92101
(619) 699-2760
Email: erica.pascal@dlapiper.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

KATHRYN RILEY
DLA PIPER LLP (US)
401 B STREET
SUITE 1700
SAN DIEGO , CA 92101
(619) 699-2842
Email: kathryn.riley@dlapiper.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MARC BELLOLI
DLA PIPER LLP
2000 UNIVERSITY AVENUE
EAST PALO ALTO , CA 94303-
2215
(650) 833-2254
Email: marc.belloli@dlapiper.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

RANDALL KAY
DLA PIPER LLP (US)
401 B STREET
SUITE 1700
SAN DIEGO , CA 92101
(619) 699-2800
Email: randy.kay@dlapiper.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM GOLDMAN
DLA PIPER LLP
2000 UNIVERSITY AVENUE
EAST PALO ALTO , CA 94303-
2215
(650) 833-2000

Email: bill.goldman@dlapiper.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM D. HAGEDORN
PRETI, FLAHERTY LLP
ONE CITY CENTER
PORTLAND , ME 04112
(207) 791-3000
Email: whagedorn@preti.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

GREGORY PAUL HANSEL
PRETI, FLAHERTY, BELIVEAU,
PACHIOS & HALEY, LLP
PO BOX 9546
PORTLAND , ME 04112-9546
791-3000
Fax: 791-3111
Email: ghansel@preti.com
ATTORNEY TO BE NOTICED

Defendant

**ALARIS MEDICAL SYSTEMS
INC**
TERMINATED: 01/09/2009

represented by **WILLIAM D. HAGEDORN**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

CARDINAL HEALTH 303 INC
formerly known as
ALARIS MEDICAL SYSTEMS INC

represented by **ERICA PASCAL**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

KATHRYN RILEY
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MARC BELLOLI
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

RANDALL KAY
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM GOLDMAN
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM D. HAGEDORN
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

GREGORY PAUL HANSEL
(See above for address)
ATTORNEY TO BE NOTICED

RANDALL B. WEILL
PRETI, FLAHERTY, BELIVEAU,
PACHIOS & HALEY, LLP
PO BOX 9546
PORTLAND , ME 04112-9546
791-3000
Email: rweill@preti.com
ATTORNEY TO BE NOTICED

Interested Party

CARDINAL HEALTH 303 INC
TERMINATED: 01/09/2009

represented by **WILLIAM D. HAGEDORN**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

GREGORY PAUL HANSEL
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

CARDINAL HEALTH 303 INC

represented by **ERICA PASCAL**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

KATHRYN RILEY

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MARC BELLOLI
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

RANDALL KAY
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM GOLDMAN
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM D. HAGEDORN
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

GREGORY PAUL HANSEL
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

ERGO LICENSING LLC

represented by **PETER S. BLACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED