

**UNITED STATES DISTRICT COURT
District of Maine**

ERGO LICENSING, LLC,)	
)	
Plaintiff)	
)	
v.)	Civil No. 08-259-P-S
)	
CAREFUSION 303, INC.,)	
)	
Defendant)	
)	

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

The United States Magistrate Judge filed with the Court on June 1, 2010, his Recommended Decision (Docket No. 167). Defendant Carefusion 303, Inc. filed its Objection to the Recommended Decision (Docket No. 170) on June 18, 2010. Plaintiff filed its Response to Defendant's Objection to the Recommended Decision (Docket No. 171) on June 21, 2010.

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 the Motion to Dismiss (Docket No. 117) filed by Defendant Carefusion 303, Inc. is **DENIED** provided that the plaintiff adds to its amended complaint as a party-plaintiff the patentee Uvo Hölscher, no later than 10 days following the entry of this Court's order, if any, adopting this recommended decision, and that the defendant file no later than 10 days thereafter a detailed

description of the additional discovery that it wishes to undertake as a result of that addition. The Court will then specify the discovery that the defendant may undertake, if any, and set a deadline for completion of that discovery.

/s/George Z. Singal

U.S. District Judge

Dated this 25th day of June , 2010.

Plaintiff

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