

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DIETGOAL INNOVATIONS LLC, :

Plaintiff, :

-v- :

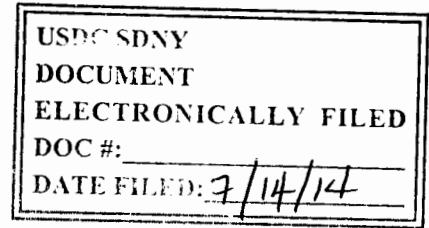
TIME, INC., :

Defendant. :

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13 Civ. 8381 (PAE)

ORDER

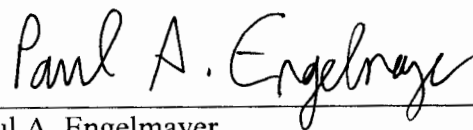


PAUL A. ENGELMAYER, District Judge:

On July 8, 2014, the Court issued an Opinion & Order in *DietGoal Innovations LLC v. Bravo Media LLC (Division of NBC Universal Media, LLC)*, No. 13 Civ. 8391 (S.D.N.Y. filed June 13, 2012) (“*DietGoal v. Bravo*”), dismissing the case on the ground that the ‘516 Patent is drawn to patent-ineligible subject matter, and thus is invalid under 35 U.S.C. § 101. Dkt. 148. On July 14, 2014, the Court accepted as related another case, *DietGoal Innovations LLC v. Time, Inc.*, No. 13 Civ. 8381 (S.D.N.Y. filed June 13, 2012) (“*DietGoal v. Time*”), previously assigned to Judge Rakoff. Because the cases involve the same plaintiff claiming infringement of the same patent, it appears to the Court that, under principles of defensive collateral estoppel, the Court’s decision under § 101 in *DietGoal v. Bravo* is controlling in *DietGoal v. Time*, thus requiring dismissal of that case as well.

If either party believes that *DietGoal v. Time* is not controlled by the Court’s decision in *DietGoal v. Bravo*, it should submit to the Court, no later than July 21, 2014, a letter not to exceed five pages in length, single-spaced, outlining the reasons why.

SO ORDERED.

Handwritten signature of Paul A. Engelmayer in black ink, written over a horizontal line.

Paul A. Engelmayer
United States District Judge

Dated: July 14, 2014
New York, New York