

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NOVO NORDISK INC. and NOVO
NORDISK A/S,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

1:17CV227 JFB-SRF

ORDER

This matter is before the court on the report and recommendations of the magistrate judge regarding claim construction, Filing No. 61. No objections have been filed by any of the parties.

The standard of review is governed by [28 U.S.C. § 636\(b\)\(1\)\(C\)](#) and [Federal Rule of Civil Procedure 72\(b\)](#). The district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made” and “may also receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1)(C). Similarly, Rule 72(b)(3) requires de novo review of any recommendation that is dispositive of a claim or defense of a party.

The Supreme Court has construed the statutory grant of authority conferred on magistrate judges under [28 U.S.C. § 636](#) to mean that nondispositive pretrial matters are governed by § 636(b)(1)(A) and dispositive matters are covered by § 636(b)(1)(B). [Gomez v. United States](#), 490 U.S. 858, 873-74 (1989); see also [Fed. R. Civ. P. 72\(a\)](#). Under subparagraph (B), a district court may refer a dispositive motion to a magistrate

judge “to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition.” [28 U.S.C. § 636\(b\)\(1\)\(B\)](#); see [EEOC v. City of Long Branch](#), 866 F.3d 93, 99–100 (3d Cir. 2017). The product of a magistrate judge, following a referral of a dispositive matter, is often called a “report and recommendation.” *Id.* “Parties ‘may serve and file specific written objections to the proposed findings and recommendations’ within 14 days of being served with a copy of the magistrate judge’s report and recommendation.” *Id.* (quoting [Fed. R. Civ. P. 72\(b\)\(2\)](#)).

“If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’” [EEOC](#), 866 F.3d at 99 (quoting 28 U.S.C. § 636(b)(1)).

The court has carefully reviewed the report and recommendations and finds the magistrate judge is correct as a matter of fact and law. The court finds the determinations are not clearly erroneous. Accordingly, the court will adopt the findings and recommendation of the magistrate judge.

THEREFORE, IT IS ORDERED THAT the report and recommendations of the magistrate judge, Filing No. 61, is adopted in its entirety.

Dated this 8th day of August, 2018.

BY THE COURT:

s/ Joseph F. Bataillon

Senior United States District Judge