

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

_____	:	
OANDA CORPORATION,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 3:20-cv-05784-BRM-DEA
	:	
GAIN CAPITAL HOLDINGS, INC., and	:	
GAIN CAPITAL GROUP, LLC.	:	
	:	
Defendants.	:	ORDER
_____	:	

THIS MATTER is before the Court on a Motion to Stay (ECF No. 34) and a Motion to Dismiss (ECF No. 24) filed by Defendants GAIN Capital Holdings, Inc. and GAIN Capital Group, LLC (collectively “GAIN”). Having reviewed the parties’ submissions filed in connection with the motions and declined to hold oral argument pursuant to Federal Rule of Civil Procedure 78(b), for the reasons set forth in the accompanying Opinion and for good cause having been shown,

IT IS on this 30th day of March 2021,

ORDERED that GAIN’s Motion to Stay (ECF No. 34) is **DENIED**; and it is further

ORDERED that GAIN’s Motion to Dismiss (ECF No. 24) is **GRANTED IN PART and DENIED IN PART**; and it is further

ORDERED that Plaintiff OANDA Corporation’s (“OANDA”) Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE** as to Count I, to the extent it is based on GAIN’s alleged infringement of Claims 1, 7, 9, and 10 of U.S. Patent No. 7,146,336, and Count III; and it is further



ORDERED that OANDA may file an amended complaint within 60 days of this Order, and failure to do so will turn dismissals without prejudice into dismissals with prejudice; and it is further

ORDERED that GAIN's Motion to Dismiss (ECF No. 24) is **DENIED** as to the remaining portion.

/s/ Brian R. Martinotti
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE