

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

PERSONALIZED MEDIA  
COMMUNICATIONS, LLC

*Plaintiff,*

v.

APPLE INC.,

*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§


Case No. 2:15-cv-01366-JRG-RSP  
(Lead Case)

**ORDER**

Before the Court is the Report and Recommendation of Magistrate Judge Roy S. Payne (Dkt. No. 209) recommending that Apple Inc.'s Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. Nos. 14, 34) be denied because the asserted patents are directed to patent-eligible subject matter under 35 U.S.C. § 101. Finding no objections, and reviewing the record *de novo*, the Court finds that the Magistrate Judge's Report and Recommendation should be ADOPTED. Accordingly, Defendant's Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. Nos. 14, 34) is DENIED.

**So Ordered this**

**Sep 28, 2016**

  
\_\_\_\_\_  
RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE