

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CHIKEZIE OTTAH,

Plaintiff,

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: 2/1/17

15 CIVIL 2465 (LTS)

-v-

JUDGMENT

BMW et al.,

Defendants.
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Plaintiff Chikezie Ottah (“Plaintiff”) brings this patent infringement action pro se against fifteen automobile companies (collectively, “Defendants”). This action concerns U.S. Patent no. 7,152,840 (the “‘840 patent”), which is co-owned by Plaintiff. Five of the Defendants—General Motors LLC; Mazda Motor Corporation; Nissan Motors Company Limited; Fuji Heavy Industries; and Toyota Motor Corporation (collectively, “MTD Defendants”)—having moved to dismiss Plaintiff’s Second Amended Complaint for failure to state a claim upon which relief may be granted and for misjoinder. Additionally, five other Defendants—FCA US LLC; Ford Motor Company; Hyundai Motor America; Jaguar Land Rover North America, LLC; and Kia Motor America, Inc. (collectively, “MSJ Defendants”) having moved for summary judgment of non-infringement. The remaining five Defendants, BMW, Rolls Royce, Damier AG [sic], Citron/Peoget [sic], and Mitsubishi (collectively, “Nonmoving Defendants”)—have not appeared in this action, and the matter having come before the Honorable Laura Taylor Swain, United States District Judge, and the Court, on February 1, 2017, having rendered its Memorandum Opinion and Order granting with prejudice MTD Defendants’ motion to dismiss the SAC and also granting MSJ Defendants’ motion for summary judgment; and directing the Clerk of Court to enter judgment and close the case. Sua sponte and in the interests of justice, the Court finds that, for the reasons set forth in the order, in connection

with MTD Defendants' motion, the Court is dismissing the SAC as against all of the remaining Defendants. The plain language of the '840 patent demonstrates that the SAC cannot be amended to cure its fundamental defects, and accordingly, dismissing it with prejudice in its entirety, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Opinion and Order dated February 1, 2017, MTD Defendants' motion to dismiss the SAC is granted, with prejudice. MSJ Defendants' motion for summary judgment is also granted. Sua sponte and in the interests of justice, the Court finds that, for the reasons set forth in the Order, in connection with MTD Defendants' motion, the SAC must be dismissed as against all of the remaining Defendants. The plain language of the '840 patent demonstrates that the SAC cannot be amended to cure its fundamental defects, and accordingly, it is dismissed with prejudice in its entirety; accordingly, the case is closed.

Dated: New York, New York
February 1, 2017

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mang
Deputy Clerk