

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ALPS SOUTH, LLC,

Plaintiff,

v.

Case No. 8:08-cv-1893-T-33MAP

THE OHIO WILLOW WOOD COMPANY,

Defendant.

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ORDER

This matter is before the Court on consideration of United States Magistrate Judge Mark A. Pizzo's claims construction report and recommendation (Doc. # 112), filed on May 19, 2010.

As of this date, there are no objections to the report and recommendation, and the time for the parties to file such objections has elapsed.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or

in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

After conducting a careful and complete review of the findings, conclusions and recommendations, and giving *de novo* review to matters of law, the Court accepts the factual findings and legal conclusions of the magistrate judge and the recommendation of the magistrate judge.


Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The report and recommendation (Doc. # 112) is **ACCEPTED** and **ADOPTED**.
- (2) "*hydrogenated styrene isoprene/butadiene block copolymer*" as used in claims 1,2,3,4,5,6 and 12 of the '109 patent encompasses "a block copolymer resulting from the hydrogenation of a styrene isoprene/butadiene block copolymer."
- (3) "*plasticizing oil*" as used in the '109 and '253 patents means "a substantially aromatic-free processing oil that

extends the elastomeric center block segment of a hydrogenated styrene isoprene/butadiene block copolymer."

DONE and **ORDERED** in Chambers in Tampa, Florida, this 7th day of June 2010.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies:

All Counsel and Parties of Record