

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ODYSSEY LOGISTICS &
TECHNOLOGY CORPORATION,

Plaintiff,

v.

JOSEPH MATAL,
Performing the functions and duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office,

Defendant.

Civil Action No. 1:18-cv-00079 (AJT/JFA)

ORDER

This matter is before the Court on Defendant's Motions to Dismiss [Doc. Nos. 16, 17] and Plaintiff's Motion to Dismiss Count II of Amended Complaint Without Prejudice as Moot [Doc. No. 26] (collectively, "the Motions"). On August 3, 2018, the Court held a hearing on the Motions. Upon consideration of the Motions, the memoranda of law and exhibits in support thereof and in opposition thereto, the arguments of counsel, and for the reasons stated in open court during the August 3, 2018 hearing, it is hereby

ORDERED that Defendant's Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) [Doc. No. 16] be, and the same hereby is, GRANTED as to Counts I and II of the Amended Complaint for lack of subject matter jurisdiction, and Counts I and II be, and the same hereby are, DISMISSED; and it is further

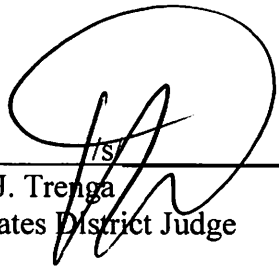
ORDERED that Defendant's Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) [Doc. No. 17] be, and the same hereby is, GRANTED as to Count III of the Amended

Complaint, and Count III be, and the same hereby is, DISMISSED as barred by the statute of limitations under 28 U.S.C. § 2401(a); and it is further

ORDERED that Plaintiff's Motion to Dismiss Count II of Amended Complaint Without Prejudice as Moot [Doc. No. 26] be, and the same hereby is, DENIED; and it is further

ORDERED that this action be, and the same hereby is, DISMISSED.

The Clerk is directed to forward copies of this Order to all counsel of record.



/s/

Anthony J. Trenga
United States District Judge

August 3, 2018
Alexandria, Virginia