IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

THE RESEARCH FOUNDATION FOR THE STATE UNIVERSITY OF NEW YORK, ET AL.	§	
	§	
Plaintiffs,	§	CIVIL ACTION NO. 2:23-CV-353-RWS-RSP
v.	§	
XIAOMI COPRORATION, ET AL.,	§	
Defendants.	§	

ORDER

Before the Court are Defendant Zepp Health Corporation's Motions to Dismiss under Federal Rules of Civil Procedure 12(b)(2), 12(b)(6), and 19(a) & (b). Docket Nos. 22, 23, 24. The United States Magistrate Judge entered a report recommending the motions be denied and finding that Plaintiffs have sufficiently plead personal jurisdiction under Rule 4(k)(2), direct infringement, indirect infringement, and willful infringement. Docket No. 73. The report also found dismissal for failure to join a party to be inappropriate. *Id.* at 12–13.

Because no objections have been received, the parties are barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations. Moreover, except upon grounds of plain error, an aggrieved party is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined the Report and

Recommendation of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket Nos. 73) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that Defendant Zepp Health Corporation's Motions to Dismiss (Docket Nos. 22, 23, 24) are **DENIED**.

So ORDERED and SIGNED this 26th day of March, 2025.

ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE