

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Regina M. Rodriguez**

Civil Action No. 23-cv-01180-RMR-SBP

DOWNING WELLHEAD EQUIPMENT, LLC,

Plaintiff,

v.

INTELLIGENT WELLHEAD SYSTEMS, INC.,
INTELLIGENT WELLHEAD SYSTEMS, CORP., and
IWS USA CORP.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge Susan Prose, entered on October 17, 2024, ECF No. 73. Magistrate Judge Prose recommends administratively closing this case subject to the Patent Trial and Appeals Board's ("PTAB") decision regarding inter partes review. The parties filed a Joint Submission in Response to Order to Show Cause, ECF No. 72, stating they are not opposed to the case being administratively closed pending a decision from the PTAB on Defendants' petition for inter partes review of the '770 Patent.

In the absence of an objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate. *See Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("[i]t does not appear that Congress intended to require district court review of a magistrate's

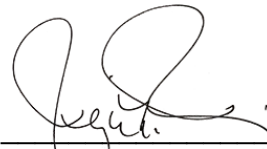
factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings"). In this matter, the Court has reviewed the Recommendation to satisfy itself that there is "no clear error on the face of the record."¹ Fed. R. Civ. P. 72(b), Advisory Committee Notes. Even if the Court were to consider the issue de novo, the Court agrees with the Recommendation and finds that it accurately sets forth and applies the appropriate legal standard.

Accordingly, it is **ORDERED** as follows:

- 1) The Recommendation of the United States Magistrate Judge, ECF No. 73, is **ACCEPTED and ADOPTED**;
- 2) The Clerk of Court is **ORDERED** to administratively close this case, subject to any party moving to reopen it for good cause, including if the PTAB has rendered its decision; and
- 3) The parties shall **FILE** a joint status report no later than 14 days after the PTAB has rendered its decision.

DATED: October 21, 2024

BY THE COURT:



REGINA M. RODRIGUEZ
United States District Judge

¹ This standard of review is something less than a "clearly erroneous or contrary to law" standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a de novo review. Fed R. Civ. P. 72(b).