

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|                             |   |                                  |
|-----------------------------|---|----------------------------------|
| CONTOUR IP HOLDING, LLC and | ) |                                  |
| ION WORLDWIDE, INC.,        | ) |                                  |
|                             | ) |                                  |
| Plaintiffs,                 | ) |                                  |
|                             | ) |                                  |
| v.                          | ) | Civil Action No. 15-1108-LPS-CJB |
|                             | ) |                                  |
| GOPRO, INC.                 | ) |                                  |
|                             | ) |                                  |
| Defendant.                  | ) |                                  |

**REPORT AND RECOMMENDATION**

The Court, having reviewed and considered: (1) Plaintiffs Contour IP Holding, LLC (“CIPH”) and iON Worldwide, Inc.’s (“iON”) (collectively, “Plaintiffs”) Motion to Dismiss iON as a Co-Plaintiff (the “Motion”), (D.I. 73), in which Plaintiffs request that “the Court dismiss with prejudice iON [] from the lawsuit” on the basis that iON is not a necessary party and lacks standing to maintain infringement claims against Defendant GoPro, Inc. (“GoPro”) relating to the Asserted Patents, (*id.* at 2); (2) GoPro’s Response in which it notes that it “does not in principle oppose” Plaintiffs’ Motion, provided that: “(a) the dismissal is with prejudice, as indicated in the Motion; [] (b) GoPro reserves all rights and remedies it may have against iON in connection with this case, including the right to seek recovery of attorneys’ fees and costs; [and (c)] GoPro reserves all rights and remedies it may have against CIPH in connection with adding iON as a Plaintiff to this case[,]” (D.I. 75 at 1); and (3) Plaintiffs’ Reply, (D.I. 76), recommends that Plaintiffs’ Motion be GRANTED and that iON be dismissed as a co-Plaintiff with prejudice from this lawsuit.

This Report and Recommendation is filed pursuant to 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b)(1), and D. Del. LR 72.1. The parties may serve and file specific written objections

within fourteen (14) days after being served with a copy of this Report and Recommendation.  
Fed. R. Civ. P. 72(b)(2). The failure of a party to object to legal conclusions may result in the loss of the right to *de novo* review in the district court. *See Henderson v. Carlson*, 812 F.2d 874, 878–79 (3d Cir. 1987); *Sincavage v. Barnhart*, 171 F. App'x 924, 925 n.1 (3d Cir. 2006).

The parties are directed to the Court's Standing Order for Objections Filed Under Fed. R. Civ. P. 72, dated October 9, 2013, a copy of which is available on the District Court's website, located at <http://www.ded.uscourts.gov>.

Dated: September 16, 2016

  
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Christopher J. Burke  
UNITED STATES MAGISTRATE JUDGE