IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn

Civil Case No. 09-cv-00057-REB-CBS

SHOP*TV, INC., a Colorado corporation,

Plaintiff,

v.

BED BATH & BEYOND, INC., a New York corporation, and
EAGLE HOME PRODUCTS, INC., a New York corporation,

Defendants.

ORDER ADOPTING RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Blackburn, J.

The matter before me is the **Recommendation of United States Magistrate Judge** [#35] filed June 15, 2009. No objections having been filed to the recommendation, I review it only for plain error. ***See Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10th Cir. 2005). Finding no error – let alone plain error – in the magistrate judge's recommended construction of the claims of the patent-in-suit, I find and conclude that the recommendation should be approved and adopted as an order of this court.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#35], filed June 15, 2009, is **APPROVED AND ADOPTED** as an order of this court; and

2. That U.S. Design Patent D564,219 is construed as follows:

"The design for a travel kit, used as a transparent, sealable receptacle for the included containers of specific configuration and volumetric capacity, as demonstrated in Figures 1 through 7."

Dated July 8, 2009, at Denver, Colorado.

BY THE COURT:

Robert E. Blackburn
United States District Judge