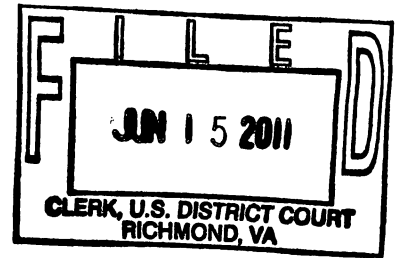


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



SAIED TADAYON and  
BIJAN TADAYON,

Plaintiffs,

v.

Civil Action No. 3:11cv213

EXECUBUS, INC.,  
d/b/a VAMOOSE BUS,

Defendant.

ORDER

Having reviewed the COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR TRIAL BY JURY (Docket No. 1) and the DEFENDANT'S ANSWER TO THE COMPLAINT AND COUNTERCLAIM (Docket No. 5), and finding that neither the Complaint nor the Counterclaim satisfy the pleading standards of Bell Atlantic v. Twombly, 550 U.S. 544 (2007) and Ashcroft v. Iqbal, 129 S. Ct. 1937 (2009), it is hereby ORDERED that both the Complaint and Counterclaim are hereby dismissed without prejudice and with leave to file a proper Complaint and a proper Counterclaim that satisfy the pleading requirements set forth in Twombly and Iqbal and, in that regard, the Amended Complaint shall set forth, without using terms such as "including (but not limited to)" or "include, but may not be limited to," all aspects of each claim that is alleged to be infringed, claim by claim, and identifying the infringing product (by product by product, by claim) and describe how the infringing product is alleged to offend; and shall not use conclusory language.

If a Counterclaim is filed, it shall not use conclusory language and shall comply with the requirements of Twombly and Iqbal with respect to its assertions.

The Amended Complaint, if filed, shall be filed by July 11, 2011 and the Answer thereto and Counterclaim, if any, shall be filed by August 10, 2011.

Considering the foregoing provisions, it is further ORDERED that the Initial Pretrial Conference scheduled for 10:15 a.m. June 21, 2011 shall be continued and counsel shall communicate with the Court to schedule a new date for the Initial Pretrial Conference. To that end, counsel shall communicate directly with Ms. Hooper, the Court's secretary, by telephone.

The Clerk is directed to send a copy of this Order to the plaintiffs.

It is so ORDERED.

\_\_\_\_\_/s/ *REP*  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: June *14*, 2011