IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: SOCLEAN, INC., MARKETING,) SALES PRACTICES AND PRODUCTS) LIABILITY LITIGATION)	Master Docket No. 22-mc-152 MDL No. 3021
This Document Relates to:	
SoClean, Inc., plaintiff,	Civil Action No. 22-542
v.)	
Koninklijke Philips N.V., Philips North America LLC, and Philips RS North America LLC,	
defendants.	

ORDER ON MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

AND NOW, this 17th day of November 2023, IT IS HEREBY ORDERED that for the reasons set forth in the accompanying opinion, the motion to dismiss for failure to state a claim (ECF No. 273) filed by defendants Koninklijke Philips N.V., Philips RS North America LLC ("Philips RS"), and Philips North America LLC (collectively the "Philips defendants") will be GRANTED IN PART with respect to the claims asserted under the Lanham Act, 15 U.S.C. § 1125(a), by plaintiff SoClean, Inc. based upon alleged statements made by the Philips defendants in quarterly reports, on earnings calls, in the recall notice, in a Q&A posted on one of the Philips defendants' websites, an update dated July 2021, and a press release issued on June 28, 2022;

IT IS FURTHER ORDERED that the motion to dismiss will be DENIED WITHOUT PREJUDICE with respect to the Lanham Act claims based upon statements made by Philips RS—at the direction of the other Philips defendants—during the MedTrade West tradeshow in July 2021, because the record before the court is not sufficiently developed with respect to the Food and Drug Administration's conduct concerning SoClean's marketing of the SoClean 2

device for the court to determine whether SoClean set forth factual allegations to show plausibly that it legally marketed the SoClean 2; and

IT IS FURTHER ORDERED that the motion to dismiss is **DENIED** in all other respects.

IT IS SO ORDERED.

/s/ JOY FLOWERS CONTI Joy Flowers Conti Senior United States District Judge