

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SYNOPSISYS, INC.,
Plaintiff,
v.
ATOPTECH, INC.,
Defendant.

No. C 13-2965 MMC


**ORDER DENYING PLAINTIFF'S
MOTION TO DISMISS AND STRIKE;
VACATING HEARING**

Before the Court is plaintiff Synopsys, Inc.'s ("Synopsys") Motion to Dismiss Defendant ATopTech's Counterclaims and to Strike Affirmative Defenses, filed February 20, 2015, pursuant to Rules 12(b)(6) and 12(f) of the Federal Rules of Civil Procedure. On March 6, 2015, defendant ATopTech, Inc. ("ATopTech") filed opposition, and, shortly thereafter, on March 13, 2015, filed its First Amended Answer and First Amended Counterclaims.

Accordingly, the Court hereby VACATES the hearing scheduled for March 27, 2015, and DENIES Synopsys' motion as moot. See Fed. R. Civ. P. 15(a) (providing party may amend pleading "once as a matter of course at any time before a responsive pleading is served"); Bullen v. De Bretteville, 239 F. 2d 824, 833 (9th Cir. 1956) (holding "amended pleading supersedes the original, the latter being treated thereafter as non-existent").

IT IS SO ORDERED.

Dated: March 23, 2015


MAXINE M. CHESNEY
United States District Judge