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

JACK DAVIS, individually and on behalf
of all others similarly situated,

Plaintiff,

No. C 14-00766 WHA

v.

APPERIENCE CORPORATION, a
Cayman Islands corporation d/b/a IOBIT,
and BLUESPRIG, INC., a Delaware
corporation d/b/a IOBIT,

Defendants.

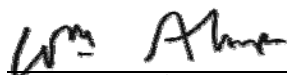
**ORDER DENYING MOTION
TO DISMISS AS MOOT AND
VACATING HEARING**

On July 25, 2014, defendants filed a motion to dismiss the complaint (Dkt. No. 39). On August 15, 2014, however, plaintiff filed an amended complaint (Dkt. No. 43). Federal Rule of Civil Procedure 15(a)(1)(B) permits the filing of this amended complaint, as it was done within 21 days after defendants' motion to dismiss.

Because our court of appeals has stated that "an amended pleading supersedes the original," defendants' motion to dismiss is **DENIED AS MOOT**. *Hal Roach Studios, Inc. v. Richard Feiner and Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989). The hearing on September 18, 2014, is accordingly **VACATED**. This is without prejudice to any fresh motion that defendants may bring to dismiss the amended complaint.

IT IS SO ORDERED.

Dated: August 18, 2014.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE