

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TECH 21 UK LIMITED, et al.,  
Plaintiffs,  
v.  
SPIGEN INC.,  
Defendant.

Case No. [15-cv-05059-RS](#)

**ORDER DENYING SPIGEN INC.'S  
MOTION TO DISMISS**

Defendant Spigen, Inc. filed a motion to dismiss plaintiff Tech 21 UK Limited’s complaint and a motion to transfer this case to the U.S. District Court for the Central District of California. Rather than respond to the motion to dismiss, Tech 21 filed a first amended complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). Spigen’s motion to dismiss the complaint is therefore denied without prejudice to Spigen’s right to challenge the sufficiency of the First Amended Complaint (“FAC”). Because the averments in the FAC may alter the potential reasons to transfer the case, Spigen’s motion to transfer is also denied without prejudice. If Spigen wishes to pursue its motion to transfer, it may renote the motion without filing additional papers. The case management conference will be rescheduled to take place on May 5, 2016 at 10:00 a.m.

**IT IS SO ORDERED.**

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Dated: February 2, 2016



RICHARD SEEBORG  
United States District Judge