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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CYBER SWITCHING PATENTS, LLC,

Plaintiff,

v.

AVOCENT HUNTSVILLE CORP., et al.,

Defendants.

No. C 14-2683 PJH

**ORDER GRANTING MOTION TO
DISMISS**

Defendants' motion to dismiss came on for hearing before this court on December 17, 2014. Plaintiff Cyber Switching Patents, LLC ("plaintiff") appeared through its counsel, William Stewart and Dan Mount. Defendants Avocent Huntsville Corporation and Liebert Corporation ("defendants") appeared through their counsel, Mindy Morton. Having read the papers filed in conjunction with the motion and carefully considered the arguments and the relevant legal authority, and good cause appearing, the court hereby GRANTS defendants' motion for the reasons stated at the hearing. Plaintiff's claims for willful infringement and pre-filing indirect infringement are dismissed, and because plaintiff has not articulated any basis for granting leave to amend, no leave to amend will be granted.

However, while defendants' proposed order seeks a ruling that plaintiff's claims be dismissed with prejudice, defendants did not adequately support that request in their motion. Thus, while plaintiff is not granted leave to amend the complaint at this time, plaintiff shall not be barred from seeking leave to amend the complaint at a later stage of the case.

IT IS SO ORDERED.

Dated: December 17, 2014



PHYLLIS J. HAMILTON
United States District Judge