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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Brain Life, LLC,

Plaintiff,

vs.

Medtronic, Inc., Varian Medical Systems,
Inc., Brainlab, Inc.,

Defendants.


CASE NO. 10cv01539-CAB (BGS)

ORDER GRANTING MOTIONS TO
DISMISS THE SECOND AMENDED
COMPLAINT WITHOUT
PREJUDICE
[Doc. Nos. 98, 100]

Having considered the papers filed in conjunction with the pending motions to dismiss [Doc. Nos. 98, 100], the Court finds that Plaintiff's allegations of contributory infringement do not meet the pleading requirements imposed by the Supreme Court in *Bell Atl. Corp v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). Accordingly, the motions to dismiss [Doc. Nos. 98, 100] are **granted without prejudice to Plaintiff amending the complaint**. Plaintiff's papers demonstrate its ability to cure the pleading deficiencies at issue. As a result, the Court grants Plaintiff leave to amend its complaint on or before **February 11, 2013** to sufficiently plead contributory infringement and remove allegations against dismissed parties.

IT IS SO ORDERED.

DATED: January 24, 2013



CATHY ANN BENCIVENGO
United States District Judge