

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00727-PAB

SHENZHEN EL LIGHTING TECHNOLOGY CO., LTD. a Shenzhen Company and
YONGJIANG YIN, an individual,

Plaintiffs,

v.

SURE-FIRE ELECTRICAL CORPORATION, a Taiwanese Company,
BEST BUY STORES, L.P., a Virginia Limited Partnership, and
BESTBUY.COM, L.L.C., a Virginia Limited Liability Company,

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on the Motion to Dismiss the Plaintiffs' Complaint for Patent Infringement [Docket No. 20]. On June 6, 2014, plaintiffs filed the Second Amended Complaint [Docket No. 32] pursuant to the Order [Docket No. 31] granting the Stipulated Motion to File Second Amended Complaint [Docket No. 28]. Thus, the Second Amended Complaint became the operative pleading in this action, and the Motion to Dismiss [Docket No. 20] is directed to an inoperative, superseded pleading. *See, e.g., Gilles v. United States*, 906 F.2d 1386, 1389 (10th Cir. 1990) ("a pleading that has been amended under Rule 15(a) supersedes the pleading it modifies") (internal quotation marks omitted). As such, the motion to dismiss is moot. It is

ORDERED that the Motion to Dismiss [Docket No. 20] is DENIED as moot.

DATED June 9, 2014.