

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01609-MSK-KLM

INTELLIGENT DESIGNS 2000 CORPORATION, a Colorado corporation,

Plaintiff,

v.

CCM ASSEMBLY & MANUFACTURING, INC., doing business as BajaRack Adventure Equipment, a California company,

Defendant.

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MINUTE ORDER

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ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiff's Unopposed Motion for Leave to File First Amended Complaint** [#28]<sup>1</sup> (the "Motion to Amend"), **Plaintiff Intelligent Designs 2000 Corporation's Unopposed Motion to Substitute Attachments to a Prior Motion** [Doc. No. 28] [#29] (the "Motion to Substitute"), and **Defendant CCM Assembly & Manufacturing, Inc.]'s Notice of Motion and Motion to Dismiss Plaintiff Intelligent Designs 2000 Corporation's Claims for Indirect and Willful Infringement** [#12] (the "Motion to Dismiss").

The Motion to Substitute informs the Court that Plaintiff "inadvertently filed as attachments" to the Motion to Amend "a redline and clean version . . . of an earlier draft of the First Amended Complaint . . . ." *Motion to Substitute* [#29] at 1. Plaintiff attaches the correct versions of these documents and asks the Court to substitute them for the versions attached to the Motion to Amend. Both motions are unopposed. The Court finds good cause to grant the Motion to Substitute and finds that the Motion to Amend should be granted pursuant to Fed. R. Civ. P. 15(a)(2) because Plaintiff states that Defendant "provided its written consent . . . ." to the requested relief. *Motion to Amend* [#28] at 1.

IT IS HEREBY **ORDERED** that the Motion to Amend [#28] and the Motion to Substitute [#29] are **GRANTED**. Accordingly,

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<sup>1</sup> "[#28]" is an example of the convention I use to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). I use this convention throughout this Minute Order.

IT IS FURTHER **ORDERED** that the Clerk of the Court shall accept Plaintiff's First Amended Complaint with Jury Demand [#29-2] for filing as of the date of this Minute Order.

IT IS FURTHER **ORDERED** that Defendant shall answer or otherwise respond to the First Amended Complaint with Jury Demand in accordance with Fed. R. Civ. P. 15(a)(3).

IT IS FURTHER **ORDERED** that Defendant's Motion to Dismiss [#12] is **DENIED as moot**. See, e.g., *Strich v. United States*, No. 09-cv-01913-REB-KLM, 2010 WL 14826, at \*1 (D. Colo. Jan. 11, 2010) (citations omitted) ("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *AJB Props., Ltd. v. Zarda Bar-B-Q of Lenexa, LLC*, No. 09-2021-JWL, 2009 WL 1140185, at \*1 (D. Kan. Apr. 28, 2009) (finding that amended complaint superseded original complaint and "accordingly, defendant's motion to dismiss the original complaint is denied as moot"); *Gotfredson v. Larsen LP*, 432 F. Supp. 2d 1163, 1172 (D. Colo. 2006) (noting that defendants' motions to dismiss are "technically moot because they are directed at a pleading that is no longer operative").

Dated: December 30, 2015