

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

**FAST FLOW, LLC AND  
PEMBERTON PATENTS LLC**

**CIVIL ACTION**

**VERSUS**

**NO: 17-6782**

**AXIS OILFIELD RENTALS, LLC**

**SECTION: "S" (3)**

**ORDER AND REASONS**

**IT IS HEREBY ORDERED** that Axis Oilfield Rentals, LLC's Motion to Dismiss for Failure to State Claim Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (Doc. #9) is **DISMISSED** as moot.

Plaintiffs, Fast Flow, LLC and Pemberton Patents LLC, filed an amended complaint that supersedes the original complaint and addresses the deficiencies in the original complaint that are raised in Axis's motion to dismiss. Further, Axis's arguments regarding plaintiffs' inability to show infringement go to the substance of plaintiffs' claims and would require factual determinations regarding the design of the allegedly infringing product that are more appropriately decided at the summary judgment stage.

New Orleans, Louisiana, this 7<sup>th</sup> day of December, 2017.



**MARY ANN VIAL LEMMON  
UNITED STATES DISTRICT JUDGE**