

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**BRADSHAW MEDICAL INC.,
Plaintiff,**

v.

Case No. 16-CV-420

**MEDTORQUE INC., GREATBATCH INC.,
SANDMAR SURGICAL INSTRUMENTS INC.,
KEVIN MARCHANT, JAMES WALSH, and
DANIEL KEGG,
Defendants.**

DECISION AND ORDER

Bradshaw Medical, Inc. (Bradshaw) brings this action, alleging that defendants manufactured and sold products that infringe on three of its patents on orthopedic surgical devices. Before me now is a joint motion by several defendants to dismiss counts VII–IX of Bradshaw’s second amended complaint for failure to state a claim upon which relief can be granted. See Fed. R. Civ. P. 12(b)(6). These counts cover the alleged infringement of one of the three patents at issue. Bradshaw “does not oppose Defendants’ motion.” ECF No. 38, at 2. Under Civil L. R. 7(d), failure to oppose a motion is sufficient cause for the court to grant it, so I will grant defendants’ motion to dismiss these claims.

Bradshaw separately moves (1) for voluntary dismissal of these claims under Rule 41(a) and (2) that this court schedule a status conference to approve its request for their voluntary dismissal. Because I have already granted defendants’ motion to dismiss these claims, these motions are moot.

THEREFORE, IT IS ORDERED that defendants' motion to dismiss counts VII–IX of Bradshaw's second amended complaint (ECF No. 26) is **GRANTED**, and said counts are hereby **DISMISSED** from this action.

IT IS FURTHER ORDERED that Bradshaw's motion for voluntary dismissal of counts VII–IX of its second amended complaint (ECF No. 39) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Bradshaw's motion for a status conference (ECF No. 50) is **DENIED AS MOOT**.

Dated at Milwaukee, Wisconsin, this 20th day of October, 2016.

s/ Lynn Adelman

LYNN ADELMAN
District Judge