IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SHELLY CONTE, et al.,

Plaintiffs,

vs.

JAKKS PACIFIC, INC.,

Defendant.

/

CASE NO. 1:12-CV-0006 LJO GSA

ORDER DENYING DEFENDANT'S MOTION TO DISMISS AS MOOT

(Doc. 8)

Plaintiffs Shelly Conte and Cindy Reichman (collectively "Plaintiffs") have brought an action for patent infringement against Defendant Jakks Pacific, Inc. ("Defendant"). Now pending before the Court is Defendant's motion to dismiss.

In their opposition, Plaintiffs have requested leave to amend and have lodged a proposed first amended complaint. (See Doc. 10, Ex. B.) Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), a party may amend its pleading as a matter of course within "21 days after service of a motion under Rule 12(b), (e), or (f)." Fed. R. Civ. P. 15(a)(1)(B). Here, Defendant filed and served its motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) on February 15, 2012, and Plaintiffs lodged their proposed first amended complaint on March 1, 2012. Therefore, Plaintiffs may amend their pleadings *as a matter of right*.

Accordingly, this Court:

1. DENIES the motion to dismiss as moot; and

2. DIRECTS Plaintiffs to file and serve their first amended complaint on or before March 30, 2012.

IT IS SO ORDERED.

Dated: March 26, 2012

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE