IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
DENVER DIVISION

UPSTREAM DATA INC., Plaintiff, v. **CRUSOE ENERGY SYSTEMS LLC,** Defendant.	Civil Action No. 1:23-CV-01252-SKC **JURY TRIAL DEMANDED**

ORDER ON DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UNDER FED. R. CIV. P. 12(B)(6)

Pending before the Court is Defendant's Motion to Dismiss for Failure to State a Claim. Because Plaintiff has relied on a theory of joint infringement to plead its claims, which is not applicable here, and also has failed to provide sufficient facts to show that Defendant makes, sells, offers to sell, uses or imports the system as claimed, the motion is granted.

IT IS HEREBY ORDERED THE CASE IS DISMISSED WITHOUT PREJUDICE.