IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SUMMIT DATA SYSTEMS, LLC, Plaintiff, v. EMC CORPORATION, et al., Defendants.	)	Civil Action No. 10-749 GMS

ORDER

At Wilmington, this 14th day of March, 2011, having considered the defendants' pending motions to dismiss (D.I. 48, D.I. 72), the plaintiff's response to D-Link's motion (D.I. 58), the first amended complaint (D.I. 70), and the applicable law;

IT IS HEREBY ORDERED that the defendants' motions to dismiss (D.I. 48 and D.I. 72) are GRANTED without prejudice. The plaintiff shall file a second amended complaint within five (5) business days that, in accordance with the Supreme Court's decisions in *Twombly* and *Iqbal*, more specifically states the factual bases for their claims against the defendants, particularly with respect to their claims for indirect infringement and how those claims are distinct from their claims for direct infringement.

CHIEF, UNITED STATES DISTRICT JUDGE