IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BOSTON SCIENTIFIC CORP. and BOSTON SCIENTIFIC NEUROMODULATION CORP.,	)	
Plaintiffs,	)	C.A. No. 16-1163 (GMS)
v.	)	
NEVRO CORP.,	)	
Defendant.	)	

DEFENDANT NEVRO CORP.'S MOTION TO DISMISS
PURSUANT TO FED. R. CIV. P. 12(B)(6)

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Nevro Corp. ("Nevro") respectfully moves to dismiss Plaintiffs Boston Scientific Corp. and Boston Scientific Neuromodulation Corp.'s (collectively, "BSC") Complaint for Patent Infringement (D.I. 1). The grounds for this motion are fully set forth in the Opening Brief filed herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Rodger D. Smith II

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January 30, 2017

D. DEL. LR 7.1.1 CERTIFICATION

On January 19, 2017, counsel for Defendant met and conferred with counsel for Plaintiff by telephone. At Plaintiff's request, Defendant followed up with an email the same day. Plaintiff's counsel responded on January 24, 2017, asking for a further meet and confer. In further email correspondence on January 25 and 26, 2017, the parties attempted to resolve the issues in this motion but reached an impasse.

/s/ Rodger D. Smith II

Rodger D. Smith II (#3778)

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v.	)	
NEVRO CORP.,	)	
Defendant.	)	

[PROPOSED] ORDER GRANTING DEFENDANT NEVRO CORP.'S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6)

Before the Court is Defendant Nevro Corp.'s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6). The Court, having considered Defendant's motion, the parties' briefing, and the relevant authorities, finds that Defendant's motion should be GRANTED. Plaintiffs' Complaint at D.I. 1 is accordingly dismissed in its entirety.

IT IS SO ORDERED.

Dated: _____

_____
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on January 30, 2017, upon the following in the manner indicated:

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