

FILED

DEC 17 2003

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

E-filing

SYNCALOT, INC. and DAVID BLOOM,
Plaintiffs,

No. C-03-4378-MJJ

**ORDER REGARDING RESPONSE TO
ORDER TO SHOW CAUSE**

v.

VERISIGN, INC.,
Defendant.


United States District Court
For the Northern District of California

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In response to this Court's Order to Show Cause why no opposition to Defendant's Motion to Dismiss was timely filed, Plaintiffs do not address the substance of Defendant's Rule 12(b)(6) motion. Instead, Plaintiffs respond that they intend to file a First Amended and Supplemental Complaint and request leave to file an amended complaint on or before January 12, 2003. Plaintiffs state that if the Court authorizes Plaintiffs to file an amended complaint, they will not oppose Defendant's Motion to Dismiss currently scheduled for hearing on January 13, 2003. In light of this statement by Plaintiffs, the Court hereby GRANTS Defendant's Motion to Dismiss without prejudice. Plaintiff is granted leave to amend the complaint on or before January 12, 2003.¹

IT IS SO ORDERED.

Dated: December 17, 2003


MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE

¹The Court notes that, because no responsive pleading has been filed in this case, Plaintiffs are entitled to amend the complaint once as a matter of course under Federal Rule of Civil Procedure 15(a). See *Crum v. Circus Circus Enterprises*, 231 F.3d 1129, 1130 n.3 (9th Cir. 2000) (Rule 12(b)(6) motion is not a responsive pleading for purposes of Rule 15 amendment as of right). However, because Plaintiffs have requested leave to amend, it is so granted.