

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHAL DIVISION**

PORTSMOUTH NETWORK
CORPORATION,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

Civil Action No. 2:23-cv-00441-JRG

NOTICE OF MOOTNESS OF DOCKET NO. 25

Defendant Cisco Systems, Inc. (“Cisco”) hereby gives notice that its Motion To Dismiss Plaintiff’s Count III Pursuant To Fed. R. Civ. 12(B)(6) Alleging Patent Infringement For An Unenforceable Patent (Dkt. No. 25) is moot. Since the Motion was filed, Plaintiff Portsmouth Network Corporation (“Plaintiff”) has filed an Amended Complaint (Dkt. No. 41). In its Amended Complaint, Plaintiff is no longer asserting U.S. Patent No. 7,596,088 against Cisco. Thus, the Motion became moot once Portsmouth filed its Amended Complaint. *Griffin v. Am. Zurich Ins. Co.*, 697 F. App’x 793, 797 (5th Cir. 2017) (“Once filed, that amended complaint rendered all earlier motions. . .moot.”).

Dated: December 22, 2023

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on December 22, 2023.

/s/ Melissa R. Smith