

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-00630-DME-MEH

NETQUOTE, INC., a Colorado corporation,

Plaintiff,

v.

BRANDON BYRD, an internet user making use of the IP Addresses 64.136.27.226 and 64.136.26.227, and

MOSTCHOICE.COM, INC., a Georgia corporation,

Defendants.

**ORDER DISMISSING AS MOOT PLAINTIFF'S MOTION
TO DISMISS DEFENDANT'S COUNTERCLAIMS**

Defendant MostChoice.com filed counterclaims against Plaintiff NetQuote in this case on June 15, 2007. (Dkt. # 33.) NetQuote moved to dismiss the counterclaims on July 2, 2007, on the grounds that they failed to state a claim upon which relief could be granted under Fed. R. Civ. P. 12(b)(6). (Dkt. #48.) On August 6, 2007, MostChoice filed Amended Counterclaims with the court. (Dkt. #62.) The filing is MostChoice's first amendment to its counterclaims against NetQuote, and thus is permitted as a matter of course pursuant to Fed. R. Civ. P. 15(a). In light of the amendment, it is hereby

ORDERED that Plaintiff NetQuote's "Motion to Dismiss MostChoice's Counterclaims" is dismissed as moot. This dismissal is without prejudice to NetQuote to file a renewed motion directed at the Amended Counterclaims if NetQuote wishes to do so.

DATED at Denver, Colorado, this 7th day of August, 2007.

BY THE COURT:

s/ David M. Ebel

David M. Ebel
United States Circuit Judge