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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 CRYTEK GMBH,

11 vs.

12 CLOUD IMPERIUM GAMES CORP. and
13 ROBERTS SPACE INDUSTRIES CORP.,

14 Defendants.

) Case No. 2:17-CV-08937

) [HON. DOLLY M. GEE]

) **[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS THE SECOND
15 AMENDED COMPLAINT IN
16 PART**

) **(FRCP 12(B)(6))**

) **[NOTICE OF MOTION, MOTION,
AND MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT FILED
CONCURRENTLY HEREWITH]**

) Date: October 12, 2018

) Time: 9:30 AM

) Courtroom: 8C

ORDER

The Motion to Dismiss the Second Amended Complaint in Part filed by Defendants Cloud Imperium Games Corp. and Roberts Space Industries Corp. (together, “Defendants”) in this matter came on regularly for hearing before this Court on October 12, 2018.

Having considered the moving and opposition papers, arguments, and all other matters presented to the Court, the Court finds that Plaintiff Crytek GmbH has failed to state a claim upon which relief can be granted for breach of contract based on Section 2.4 of the parties’ Game License Agreement.

IT IS HEREBY ORDERED that Defendants’ Motion to Dismiss the Second Amended Complaint in Part is GRANTED. Plaintiff’s claim for breach of contract based on Section 2.4 of the Game License Agreement in the Second Amended Complaint is ordered dismissed [with] [without] prejudice.

Dated: _____

Hon. Dolly M. Gee
Judge, United States District Court