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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 ALEKSANDR L. YUFA,

8 Plaintiff,

9 v.

10 LIGHTHOUSE WORLDWIDE
11 SOLUTIONS INC.,

12 Defendant.

Case No. [09-cv-00968-TSH](#)

**NOTICE OF SUA SPONTE
INTENTION TO DISMISS
COMPLAINT**

13 Plaintiff Aleksander L. Yufa filed this case on March 5, 2009, alleging Defendant
14 Lighthouse Worldwide Solutions, Inc. infringed upon his patent for particle detectors and
15 reference voltage comparators, Patent No. 6,346,983. The case has been stayed since January 9,
16 2015 pending resolution of four of Yufa's other cases involving the '983 Patent. ECF No. 136.
17 However, on September 12, 2019, Yufa filed a Notice of Change of Ownership of Patent at Issue,
18 stating that he filed the assignment of the '983 Patent in compliance with Magistrate Judge Kandis
19 Westmore's order in *Yufa v. TSI Incorp.*, C-09-1315, and therefore "doesn't own anymore the
20 patent at issue." ECF No. 137.

21 "A trial court may dismiss a claim sua sponte under Fed. R. Civ. P. 12(b)(6)." *Seismic*
22 *Reservoir 2020, Inc. v. Paulsson*, 785 F.3d 330, 335 (9th Cir. 2015) (quoting *Omar v. Sea-Land*
23 *Serv., Inc.*, 813 F.2d 986, 991 (9th Cir. 1987)). The district court "must give notice of its sua
24 sponte intention to dismiss and provide the plaintiff with 'an opportunity to at least submit a
25 written memorandum in opposition to such motion.'" *Id.* (quoting *Wong v. Bell*, 642 F.2d 359,
26 362 (9th Cir. 1981)). However, a court may properly dismiss an action sua sponte without giving
27 a plaintiff notice of its intention to dismiss and an opportunity to respond if a plaintiff "cannot
28 possibly win relief." *Sparling v. Hoffman Construction Co.*, 864 F.2d 635, 638 (9th Cir. 1988);

1 *Omar*, 813 F.2d at 991; *Wong*, 642 F.2d at 362.

2 Here, Yufa admits he doesn't own the '983 Patent. A complaint for patent infringement
3 requires that the plaintiff owns the patent. *K-Tech Telecomms., Inc. v. Time Warner Cable, Inc.*,
4 714 F.3d 1277, 1283 (Fed. Cir. 2013). As such, it appears that Yufa has no standing to sue and
5 dismissal is appropriate. Accordingly, the Court hereby **GIVES NOTICE** to Yufa of its intention
6 to dismiss the complaint sua sponte without leave to amend. Yufa may file a written
7 memorandum in opposition to dismissal by November 26, 2019.

8 **IT IS SO ORDERED.**

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10 Dated: November 12, 2019

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THOMAS S. HIXSON
United States Magistrate Judge

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