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****E-filed 12/13/2010****

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RINGCENTRAL, INC.,

No. C 09-2693 RS

Plaintiff,

v.

**ORDER VACATING HEARING AND
REQUESTING FURTHER BRIEFING**

BILL QUIMBY, et al.,

Defendants.

_____ /

The reply papers in support of defendants’ motion to set aside the default judgment herein include for the first time evidence and argument that the registration for plaintiff’s trademark RINGCENTRAL (Reg. No. 1,914,669) was apparently cancelled in 2006, three years before this action was filed, and that plaintiff represented to the PTO that it first used the mark 1800RINGCENTRAL (Reg. No. 3,550,956) in commerce some three years after defendants registered the domain names www.800ringcentral.com and www.1800ringcentral.com.¹ Good cause appearing, the hearing presently scheduled for December 16, 2010, is vacated. No later than

¹ The magistrate judge’s Report and Recommendation, adopted by the Court, states that plaintiff established infringement of its “trademarks” in the plural. The Court notes, however, that while the background allegations of the complaint refer to plaintiff’s registration of the 1800RINGCENTRAL mark, the charging allegations only assert infringement of the RINGCENTRAL mark.

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December 22, 2010, plaintiff may file a response, not to exceed five pages, exclusive of any non-argumentative declarations and exhibits, addressing these points. Pursuant to Civil Local 7-1(b), the motion to set aside the default judgment will then be taken under submission without oral argument.

IT IS SO ORDERED.

Dated: 12/13/2010



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE