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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CORBIS CORP.,)	
)	
Plaintiff(s),)	No. C 09-3383 BZ
)	
v.)	
)	ORDER DENYING MOTION FOR
TIVOLI ASSOCIATES, INC, et)	LEAVE TO AMEND
al.,)	
)	
Defendant(s).)	
_____)	

Tivoli's motion for leave to amend its answer to add the affirmative defenses of invalidity and unclean hands is **DENIED**¹, for the following reasons:

1. The last day to amend pleadings was March 5, 2010. Doc. No. 37 p. 2. Tivoli admits it was aware of these defenses by no later than January 15, 2010 and has provided no good cause why it did not file this motion earlier.

2. As Tivoli admits, these defenses "are subsets of the overarching affirmative defense of standing" which it has pled and has vigorously litigated. In fact, the Court has just

¹ Corbis's motion to file a surreply is **DENIED** as moot.

1 ruled on a discovery motion which was directed almost
2 exclusively towards the invalidity issue. The Court agrees
3 that the issue of invalidity is before it either as part of
4 the standing defense or because Tivoli in its answer denied
5 allegations such as that the images in dispute are subject to
6 copyright protection. To the extent that the unclean hands
7 defense raises the same issue as the invalidity defense, it
8 too is before the Court. Accordingly, there is no need to
9 amend the pleadings to permit Tivoli to fully defend this
10 case.

11 3. The bulk of the argument in both sides' papers, as it
12 did in the discovery motions, focuses on the validity of the
13 copyrights. As I noted in my discovery order, this appears to
14 be an issue of law. The parties would be better served if one
15 or the other would file an appropriate summary judgment
16 motion, than by this sniping over collateral issues.

17 See F.R. Civ. P. 1.

18 Dated: May 4, 2010



19 Bernard Zimmerman
20 United States Magistrate Judge

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22 AMEND.FINAL RULING.wpd