

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MYSPACE, INC.,
Plaintiff,

No. C-10-0604 EDL
No. C-10-1156 EDL
Consolidated Actions

v.

GRAPHON CORPORATION,
Defendant.

**ORDER GRANTING DEFENDANT’S
MOTION FOR CLARIFICATION OR IN
THE ALTERNATIVE MOTION FOR
LEAVE TO FILE MOTION FOR
RECONSIDERATION**

CRAIGSLIST, INC.,
Plaintiff,

v.

GRAPHON CORPORATION,
Defendant.

On August 6, 2010, the Court issued an order granting Plaintiffs’ motion for an early hearing on inequitable conduct. Defendant has filed this motion for clarification or, in the alternative, for reconsideration, of two statements made in that order. Because this matter is appropriate for decision without oral argument, the Court vacates the October 26, 2010 hearing and grants Defendant’s Motion for Clarification as follows.

In the August 6, 2010 Order, the Court specifically stated that it had “not reached a decision, even preliminarily, on the ultimate merits” of the inequitable conduct claim. Aug. 6, 2010 Order at 3. In making that statement, the Court meant to convey that it was not making any findings at all regarding the merits of any aspect of this case. However, to be even more clear, the Court confirms that it did not make any findings in the August 6, 2010 Order, and that none of the statements made by the Court are to be construed or used by any party in subsequent proceedings as the law of the

1 case or as findings of fact.

2 **IT IS SO ORDERED.**

3 Dated: October 19, 2010

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge

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