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

INNOSPAN CORP.,

No. C 10-04422 WHA

Plaintiff,

v.

**ORDER REGARDING
REQUEST FOR
CLARIFICATION**

INTUIT, INC., MINT SOFTWARE, INC.,
SHASTA VENTURES GP, LLC, and
DOES 1–20,

Defendants.

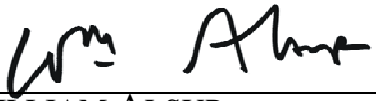
Plaintiff submitted a request for clarification in regard to the order granting-in-part and denying-in-part the motions to dismiss on December 3, 2010. This order responds to that request. *First*, the reference to “counterclaims” in the conclusion of the order previously issued was inadvertent. No counterclaims exist in this action, and that order should read, “Innospan may file a motion seeking leave to amend their *claims* — attaching the amended pleading thereto — **BY NOON ON THURSDAY, DECEMBER 16, 2010**, explaining why the amended claims properly state claims for relief” (Dkt. 73) (emphasis added). *Second*, plaintiff does not need to file an amended complaint to re-allege the claims that were not dismissed, nor does plaintiff need to explain why claims that were not dismissed properly state claims for relief. Plaintiff need only address those claims that were dismissed when discussing why the amended claims properly state claims for relief. *Third*, plaintiff’s claim for conversion was dismissed without leave to amend as a matter of law. *Finally*, in regard to adding new claims or defendants in an

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amended complaint, the Federal Rules of Civil Procedure and local rules for this Court still apply. All parties are advised to read and follow those rules.

IT IS SO ORDERED.

Dated: December 6, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE