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United States District Court  
For the Northern District of California

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

EIT HOLDINGS LLC, a Delaware company,  
Plaintiff,  
v.  
YELP!, INC., a Delaware corporation, *et al.*,  
Defendants.


No. C 10-05623 WHA

**ORDER REGARDING  
MISJOINDER ISSUE**

As stated at the May 5 case management conference, the Court is inclined to dismiss all but the first-named defendant for misjoinder under FRCP 21 for the reasons stated in *WiAV Networks, LLC v. 3Com Corp.*, No. C 10-03448 WHA, 2010 WL 3895047 (N.D. Cal. Oct. 1, 2010). The final ruling will be postponed, however, so that counsel may first submit points and authorities on this issue. Any such submissions must be filed by **NOON ON WEDNESDAY MAY 11, 2011**. In this connection, it is noted that defendant Memory Lane, Inc. has once again declined to proceed before Magistrate Judge Spero, so the alternative solution proposed in the earlier May 6 order is no longer viable (Dkt Nos. 78, 79).

**IT IS SO ORDERED.**

Dated: May 6, 2011.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE