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

HO KEUNG TSE,

No. C 11-01812 WHA

Plaintiff,

v.

ORDER TO SHOW CAUSE

EBAY, INC.,

Defendant.

The undersigned stayed this action pending the issuance of a reexamination certificate for United States Patent Number 6,665,797 by the United States Patent and Trademark Office. Plaintiff Ho Keung Tse is currently appealing the rejections of some of the claims in the patent. The lone claim asserted in this action was amended during the reexamination process and therefore cannot be infringed until a reexamination certificate is issued (*see* Dkt. No. 133).

Plaintiff is hereby **ORDERED TO SHOW CAUSE** why this action should not be dismissed without prejudice to refile after final determination of the validity of the '797 patent and issuance of the reexamination certificate. Plaintiff must file a written response to this order to show cause by **NOON ON AUGUST 24, 2011**. Defendant may file a reply by **NOON ON AUGUST 31, 2011**. This order is an exception to the otherwise blanket stay of this action.

IT IS SO ORDERED.

Dated: August 12, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE