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

TWITTER, INC.,

No. C 12-1721 SI

Plaintiff,

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO AMEND**

v.

SKOOTLE CORP. and JAMES KESTER,

Defendants.

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Currently before the Court is Twitter's motion to for leave to amend its complaint. Docket No. 68. The motion was scheduled for hearing on December 14, 2012. Pursuant to Civil Local Rule 7-1(b), the Court finds this matter appropriate for resolution without oral argument and hereby VACATES the hearing.

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Twitter wants to file a First Amended Complaint to remove extraneous allegations regarding dismissed defendants and add a new defendant, Troy Fales, who Twitter alleges is or was an employee of defendant Skootle and involved with the TweetAdder software at issue. Docket No. 69-1. Defendants, in their response, assert that the addition of Fales is "premature" and "unjustified," but "do not oppose" the motion to amend. Docket No. 73 at 1. In addition, defense counsel agreed at a Case Management Conference of today's date that the First Amended Complaint could be filed. Defense counsel further agreed to consult Mr. Fales to determine whether he will allow them to accept service on his behalf.

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Accordingly, the Court GRANTS the motion for leave to amend. Plaintiff shall e-file the proposed First Amended Complaint and effect service on Mr. Fales as necessary.

**IT IS SO ORDERED.**

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Dated: November 16, 2012

  
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SUSAN ILLSTON  
United States District Judge