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28UNITED STATES DISTRICT COURT
For the Northern District of California

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

LUIDIA INC,

No. C 12-02993 CRB (LB)

Plaintiff,

ORDER TO SHOW CAUSE

v.

PEN AND FREE CO., LTD., et al.,

Defendants.
_____ /

Plaintiff filed a complaint for patent infringement on June 11, 2012. Complaint, ECF No. 1. So far, neither Defendant has appeared in the action, and the court has not received any indication that either Defendant has been served with the complaint and summons. *See generally* Docket.

Federal Rule of Civil Procedure 4(m) states that “[i]f a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own and after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” *Id.*

In this case, the 120-day period for service ended on October 9, 2012. Accordingly, the court **ORDERS** Plaintiff to file, no later than October 19, 2012, a status update and show cause why this case should not be dismissed without prejudice for failure to prosecute.

The October 11, 2012 Initial Case Management Conference is **VACATED**. If necessary, the court will reset it for a later date.

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IT IS SO ORDERED.

Dated: October 10, 2012



LAUREL BEELER
United States Magistrate Judge