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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ACTIVEVIDEO NETWORKS, INC.,

No. C-13-1980 EMC

Plaintiff,

v.

**ORDER RE SUR-REPLY**

TRANS VIDEO ELECTRONICS, LTD.,

**(Docket No. 8)**

Defendant.

Defendant Trans Video Electronics, Ltd. (“TVE”) has filed a motion to dismiss based lack of subject matter jurisdiction and lack of personal jurisdiction. In its reply brief, TVE has now offered what appears to be a covenant not to sue. *See* Djurovich Decl. ¶ 20. Because Plaintiff ActiveVideo Networks, Inc. (“AV”) has not been given an opportunity to comment on the covenant not to sue, the Court hereby orders AV to file a sur-reply, limited to the issue of the covenant not to sue – in particular, what impact that covenant has on subject matter jurisdiction. The sur-reply shall be filed within one week of the date of this order.

IT IS SO ORDERED.

Dated: July 30, 2013



EDWARD M. CHEN  
United States District Judge

United States District Court  
For the Northern District of California