

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADOBE SYSTEMS INCORPORATED,

No. C-14-3721 EMC

Plaintiff,

v.

BARGAIN SOFTWARE SHOP, LLC,

Defendant.

**ORDER TO SHOW CAUSE RE
PLAINTIFF’S MOTION TO STRIKE
AND MOTION TO DISMISS; AND
ORDER TEMPORARILY VACATING
HEARING ON PLAINTIFF’S MOTION
TO STRIKE AND MOTION TO
DISMISS**

(Docket Nos. 41-42)

Plaintiff Adobe Systems Incorporated (“Adobe”) initiated this lawsuit against Defendant Bargain Software Shop, LLC (“BSS”), alleging, *inter alia*, trademark and copyright infringement. Subsequently, BSS filed a counterclaim against Adobe. The claims asserted were: (1) a claim for declaratory relief; (2) a claim for tortious interference with prospective contract; and (3) a claim for business disparagement.

Currently pending before the Court are two motions filed by Adobe: (1) a motion to strike BSS’s claim for declaratory relief and (2) a motion to dismiss all three claims asserted in BSS’s counterclaim. BSS did not file an opposition to either motion within the timeframe provided by the Civil Local Rules. Thereafter, upon inquiry from the Court, BSS informed the Court that it did not intend to file an opposition to either motion.


Due to the lack of any opposition brief, the Court could well grant Adobe’s motions. However, out of an abundance of caution, the Court hereby orders BSS to show cause as to why

1 Adobe's motions should not be granted with prejudice. BSS's response shall be filed by **February**
2 **5, 2015**. If no response is filed by this date, the Court shall grant the motions with prejudice.

3 In the meantime, the February 19 hearing on Adobe's motions is temporarily **VACATED**.

4
5 IT IS SO ORDERED.

6
7 Dated: January 29, 2015

8
9 
10 _____
11 EDWARD M. CHEN
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28