

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  
28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAO2MICRO, INC., et al.,  
Plaintiffs,  
v.  
YUNGFENG LI, et al.,  
Defendants.

Case No. 14-cv-04478-EDL

**ORDER TO SHOW CAUSE**

On October 6, 2014, Plaintiff O2Micro, a California company, filed this complaint for copyright infringement, computer fraud and abuse, breach of contract, conversion, trespass, and related claims brought against two former employees and their subsequent employer for theft of trade secret source code. All of the Defendants are residents of China.

During a case management conference on January 6, 2015, Plaintiff stated that service of process on the defendants would be complete within 90 days. The Court therefore continued the case management conference to May 5, 2015 to allow time for service. During the May 5, 2015 case management conference, Plaintiff stated that the corporate defendant had been served and would respond to the complaint by the end of June. Plaintiff also stated that he recently located addresses for the individual Plaintiffs and hoped to serve them within the week (i.e., early May). The Court therefore continued the case management conference to July 7, 2015 with a case management conference statement due on June 30, 2015. Plaintiff did not file a case management conference statement and did not appear at the case management conference. No proofs of service or executed waivers have been filed and no Defendant has appeared despite Plaintiff's repeated assurances that Defendants were being served.

Accordingly, Plaintiff is ordered to show cause as to why this case should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff's response to

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

this Order to Show Cause shall be due no later than July 14, 2015. If Plaintiff fails to file a response to this Order to Show Cause by July 14, 2015, the Court will dismiss the action without prejudice for failure to prosecute.

**IT IS SO ORDERED.**

Dated: July 7, 2015

  
ELIZABETH D. LAPORTE  
United States Magistrate Judge