

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRAIGSLIST, INC.,

Plaintiff,

v.

EVERYMD.COM LLC,

Defendant.

Case No. 16-cv-03421-EMC

**ORDER GRANTING PLAINTIFF'S
MOTION TO STRIKE**

Docket No. 25


Plaintiff has filed an action for a declaratory judgment of patent noninfringement and invalidity. In response to the operative first amended complaint, Defendant included as its second affirmative defense an alleged violation of Federal Rule of Civil Procedure 11. *See* Ans. ¶ 45 *et seq.* Plaintiff has moved to strike this affirmative defense on the ground that a Rule 11 violation is not properly raised (*i.e.*, procedurally) as an affirmative defense. Defendant has filed a statement of nonopposition to Plaintiff's motion, although noting, *inter alia*, that striking the affirmative defense would "not have any effect on [its] right to seek sanctions [pursuant to] Rule 11." Not. at 3-4.

In light of Defendant's statement of nonopposition, the Court **GRANTS** Plaintiff's motion to strike. Further, the hearing on Plaintiff's motion to strike is hereby **VACATED**. This order does not address the substantive merits of whether or not Plaintiff violated Rule 11.

This order disposes of Docket No. 25.

IT IS SO ORDERED.

Dated: August 23, 2016


EDWARD M. CHEN
United States District Judge