

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 IDEA SOLUTIONS, LLC,
4 Plaintiff,
5 v.
6 DATAVIBES TECHNOLOGIES, et al.,
7 Defendants.
8

Case No. [17-cv-02338-MEJ](#)

**ORDER RE: MOTION TO DISMISS;
ORDER TO SHOW CAUSE**

9 On July 19, 2017, Defendant Visvero, Inc. as successor in interest to Datavibes, Inc. filed a
10 Motion to Dismiss for Failure to State a Claim, Lack of Jurisdiction, Improper Venue, and Lack of
11 Standing, with a noticed hearing date of August 31, 2017. Dkt. No. 9. Plaintiff Idea Solutions,
12 LLC filed a statement of non-opposition on August 2, 2017, indicating it did not concede or
13 concur with the arguments in the Motion, but that it would file a proposed notice of dismissal
14 “within the next business day.” Dkt. No. 16. As of the date of this Order, Plaintiff has not filed a
15 notice of dismissal.

16 Accordingly, the Court hereby GRANTS the Motion to Dismiss WITHOUT PREJUDICE
17 and VACATES the motion hearing. In addition, if Plaintiff does not file a notice of dismissal
18 before August 17, 2017, the Court ORDERS Plaintiff to show cause why this case should not be
19 dismissed for failure to prosecute. If a responsive declaration is filed, the Court shall either issue
20 an order based on the declaration or conduct a hearing on August 31, 2017 at 10:00 a.m. in
21 Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. Notice is hereby
22 provided that failure to file a written response will be deemed an admission that Plaintiff does not
23 intend to prosecute, and the case will be dismissed without prejudice.

24 **IT IS SO ORDERED.**

25 Dated: August 8, 2017

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28 MARIA-ELENA JAMES
United States Magistrate Judge