

United States District Court  
Northern District of California

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

RAIN DESIGN, INC., ET AL.,  
Plaintiffs,  
v.  
SPINIDO, INC., et al.,  
Defendants.

Case No.17-cv-03681-JSC

**ORDER TO SHOW CAUSE**

Plaintiffs filed this action on June 27, 2017, asserting trademark and copyright infringement claims as well as claims under state law. (Dkt. No. 1.) After Plaintiffs were unable to serve Defendants via other means, the Court granted Plaintiffs' motion for service by publication. (Dkt. No. 14.) On May 24, 2018, the Court held a Case Management Conference to check in on the status of service because the Court had received no further communications from Plaintiffs and no Defendant had entered an appearance. (Dkt. Nos. 15 & 17.) Plaintiffs advised the Court that they had completed service by publication and intended to file a motion for default. The Court gave Plaintiffs a deadline of July 9, 2018 to file their proofs of service and July 23, 2018 to file a motion for entry of default. To date, Plaintiffs have filed neither and have not otherwise communicated with the Court.

Accordingly, Plaintiffs are ORDERED TO SHOW CAUSE as to why this action should not be dismissed for failure to prosecute. Plaintiffs' response to the Order to Cause is due August 27, 2018. Any response which opposes dismissal must be accompanied by the overdue proofs of service and a motion for entry of default. If Plaintiffs fail to respond to this Order the Court will reassign this action to a district judge and recommend that the action be dismissed for failure to prosecute. See Fed. R.

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

Civ. Pro. 41(b).

**IT IS SO ORDERED.**

Dated: August 13, 2018

  
\_\_\_\_\_  
JACQUELINE SCOTT CORLEY  
United States Magistrate Judge