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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GLASS EGG DIGITAL MEDIA,  
Plaintiff,  
v.  
GAMELOFT, INC., et al.,  
Defendants.

Case No. [17-cv-04165-MMC](#)

**ORDER REGARDING NOTICE OF  
JOINDER**

Before the Court is defendant Gameloft, Inc.'s ("GLI") "Notice of Joinder," filed January 26, 2022 (see Doc. No. 287), whereby GLI purports to join defendant Gameloft SE's "Motion Pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6) to Dismiss [the] Fourth Amended Complaint" (see Doc. No. 285). Plaintiff has filed opposition thereto.

A motion to dismiss pursuant to Rule 12(b) "must be made before pleading if a responsive pleading is required." See Fed. R. Civ. P. 12(b). "In other words, a motion to dismiss . . . must be filed before an answer." Roberts v. County of Riverside, Case No. EDCV 19-1877 JGB (SHKx), 2020 WL 5934303, at \*2 n.4 (C.D. Cal. Feb. 11, 2014) (internal quotation and citation omitted).

In the instant case, GLI filed an answer to the Fourth Amended Complaint on September 17, 2018 (see Doc. No. 149), a date prior to the filing of its Notice of Joinder, and, consequently, GLI's "purported joinder is untimely," see Anudokem v. Am. Home Mortg. Servicing, Inc., Case No. C09-01660 HRL, 2010 WL 532440, at \*1 n.1 (N.D. Cal. Feb. 9, 2010).

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United States District Court  
Northern District of California

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Accordingly, GLI's joinder is hereby DENIED.

**IT IS SO ORDERED.**

Dated: February 2, 2022

  
MAXINE M. CHESNEY  
United States District Judge

United States District Court  
Northern District of California