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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FACEBOOK, INC., et al.,  
Plaintiffs,  
v.  
ONLINENIC INC, et al.,  
Defendants.

Case No. [19-cv-07071-SI](#)

**ORDER RE:**  
**-MOTION TO STRIKE;**  
**-35.CN'S SUR-REPLY;**  
**-HEARING DATE**

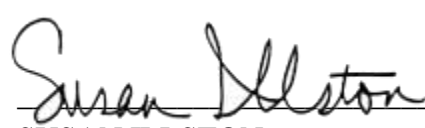
Now pending before the Court is plaintiffs' motion to strike defendant's answer and for entry of default against defendant Xiamen 35.com Internet Technology Co., Ltd ("35.CN"). Dkt. No. 299. In its opposition brief, 35.CN argues *inter alia* that plaintiffs' motion to strike should more properly have been brought as a motion for summary judgment. See Opp'n at 2, 11-12. 35.CN has also filed an objection to plaintiffs' reply evidence, requesting that 35.CN be granted leave to file a sur-reply. See Dkt. No. 327.

Having reviewed the briefs as well as the voluminous records the parties have submitted, the Court hereby NOTIFIES the parties of its intent to treat plaintiffs' motion to strike as one for summary judgment. The Court GRANTS 35.CN leave to file a sur-reply, not to exceed 10 pages in length. **35.CN shall file its sur-reply no later than June 23, 2023.**

The Court CONTINUES the hearing from June 16 to **July 14, 2023, at 10:00 a.m.**, to be held over Zoom videoconference.

**IT IS SO ORDERED.**

Dated: June 6, 2023

  
SUSAN ILLSTON  
United States District Judge