

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

No. C 09-04531 CW

CRATERS & FREIGHTERS,

Plaintiff,

v.

DAISYCHAIN ENTERPRISES, dba
FREIGHT & CRATE; CATHY BENZ; and
FRED BENZ.

Defendants.

ORDER DIRECTING
PLAINTIFF TO RESPOND TO
DEFENDANTS' MOTION TO
DISMISS

United States District Court
For the Northern District of California

Defendants have filed a motion to dismiss this case with prejudice based on their assertion that "Plaintiff is not the real party in interest and has been using a false name." Docket No. 185 at 1. Defendants assert that "Craters & Freighters Franchise Company" not "Craters & Freighters" owns the trademark at issue in this case and argue that failure to name the real party in interest justifies dismissal with prejudice of the action. Plaintiff's deadline to respond to this motion was October 17, 2014. To date, Plaintiff has not filed a response. The Court hereby directs Plaintiff to file its response to Defendants' motion to dismiss within seven days of the date of this order. Defendants may file a reply in support of their motion within seven days thereafter. The matter will be taken under submission on the papers. Plaintiff's motion for a hearing (Docket No. 191) is DENIED.

IT IS SO ORDERED.

Dated: October 22, 2014



CLAUDIA WILKEN
United States District Judge