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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 CISCO SYSTEMS, INC., et al.,

7 Plaintiffs,

8 vs.

9 DIGITAL GADGETS, LLC, et al.,

10 Defendants.

Case No: C 10-02053 SBA

**ORDER DENYING PLAINTIFFS' EX
PARTE APPLICATION FOR AN
EARLIER HEARING DATE ON
MOTION FOR PRELIMINARY
INJUNCTION**

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12 Currently before the Court is Plaintiffs' Ex Parte Application for an Earlier Hearing
13 Date on Motion for Preliminary Injunction. (Docket No. 22.)

14 Plaintiffs filed the instant action on May 13, 2010, bringing claims against Defendants
15 for trademark infringement, trade dress infringement, design patent infringement, and unfair
16 competition, arising out of Defendants' manufacture and sale of allegedly infringing
17 camcorders. On June 7, 2010, Plaintiffs filed a motion for preliminary injunction, which
18 noticed a July 13, 2010 hearing date before Magistrate Judge Howard R. Lloyd. (Docket No.
19 8.) Plaintiffs subsequently filed a consent to proceed before Magistrate Lloyd on June 17,
20 2010. (Docket No. 10.) Defendants filed their Answer, along with a declination to proceed
21 before the Magistrate Judge, on June 21, 2010. (Docket Nos. 12, 13.) On June 23, 2010, this
22 matter was reassigned to this Court, and a hearing date on Plaintiffs' preliminary injunction
23 motion was set for September 28, 2010. (Docket No. 23.) Also on June 23, 2010, Plaintiffs
24 filed their Ex Parte Application for an Earlier Hearing Date on Motion for Preliminary
25 Injunction ("the Application"). Defendants filed an opposition to the Application on June 28,
26 2010.

27 Pursuant to Civil Local Rule 6-3(a)(3), a motion to shorten time must identify "the
28 substantial harm or prejudice that would occur if the Court did not change the time." By their

1 Application, Plaintiffs argue that the hearing on their preliminary injunction motion should be
2 expedited because, if it is not, Defendants will be permitted to continue selling allegedly
3 infringing camcorders, which would cause irreparable harm in the form of ongoing
4 marketplace confusion and injury to Plaintiffs' established reputation for its camcorders.
5 However, other than these general assertions of harm, Plaintiffs have not identified any
6 "substantial harm or prejudice" that they would specifically incur during the three-month
7 period between the filing of their Application and the currently scheduled September 28, 2010
8 hearing date.

9 Notwithstanding the above, the Court will set an expedited briefing schedule and may,
10 in its discretion, decide the matter on the pleadings or accelerate the hearing at a later date
11 should an opening in the Court's currently full calendar become available. See Fed.R.Civ.P.
12 78(b).

13 Accordingly,

14 IT IS HEREBY ORDERED THAT:

- 15 1. Plaintiffs' Ex Parte Application for an Earlier Hearing Date on Motion for Preliminary
16 Injunction is DENIED.
- 17 2. Defendants' opposition to Plaintiffs' motion for a preliminary injunction shall be filed
18 by August 17, 2010.
- 19 3. Plaintiffs' reply in support of their motion for preliminary injunction shall be filed by
20 August 24, 2010.
- 21 4. This Order terminates Docket No. 22.

22 IT IS SO ORDERED.

23 Dated: 8/5/10

24 
25 SAUNDRA BROWN ARMSTRONG
26 United States District Judge
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