

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

3  
4 DIGITAL REG OF TEXAS, LLC,

No. C 12-1971 CW

5                                    Plaintiff,

ORDER DENYING  
UBISOFT'S MOTION  
TO FILE A THIRD-  
PARTY COMPLAINT AS  
MOOT (Docket No.  
502)

6                                    v.

7 ADOBE SYSTEMS, INC., et al.,

8                                    Defendants.

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11            On February 21, 2014, Defendant Ubisoft, Inc. moved for leave  
12 to file a third-party complaint against former Defendant Valve  
13 Corporation. Federal Rule of Civil Procedure 14(a) permits only a  
14 defending party to implead a third party who "may be liable to him  
15 for all or part of the plaintiff's claim against him." On June  
16 10, 2014, the Court granted summary judgment of non-infringement  
17 as to all claims asserted by Plaintiff against Ubisoft. See  
18 Docket No. 574. Because Ubisoft is no longer a defendant in this  
19 case, it would be improper to allow Ubisoft to file a third-party  
20 complaint against Valve.

21            Ubisoft correctly notes that there is some factual overlap  
22 between the present patent infringement case and Ubisoft's third-  
23 party claims seeking indemnification for costs occurred in  
24 defending this case. Accordingly, Ubisoft may file a separate  
25 suit seeking indemnification from Valve and file a notice that the  
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1 case is related to the present case, which the Court will  
2 consider.

3 IT IS SO ORDERED.

4 Dated: 6/12/2014

  
5 CLAUDIA WILKEN  
United States District Judge

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