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United States District Court  
For the Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BIOGENEX LABORATORIES,  
  
                          Plaintiff(s),  
  
          v.  
  
AXIS DIAGNOSTICS INC,  
  
                          Defendant(s).

No. C-12-06313 DMR

**ORDER TO FILE SUPPLEMENTAL  
BRIEFING TO MOTION FOR  
DEFAULT JUDGMENT,  
VACATING PREVIOUSLY-NOTICED  
HEARING DATE, AND SETTING  
HEARING DATE ON THE MOTION**

On March 5, 2013, Plaintiff filed a motion for default judgment. [Docket No. 11.] Having reviewed that motion, this court determines that Plaintiff did not brief its entitlement to the entry of default judgment pursuant to the factors enumerated in the Ninth Circuit’s decision in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986). Plaintiff did not brief the issue of this court’s personal jurisdiction over Defendant. Plaintiff’s accounting of its attorneys’ fees and costs does not separate the fees incurred by each attorney and legal assistant, nor the attorneys’ fees from the costs. Furthermore, Plaintiff did not brief how it arrived at its calculation of prejudgment interest.

Plaintiff shall submit additional briefing by **April 4, 2013**, to address the above deficiencies in the motion for default judgment. Any opposition or statement of non-opposition is due no later than **April 11, 2013**.

Please be advised that the previously-noticed hearing date on the motion of April 11, 2013 at 11 a.m. has been vacated. You are hereby notified that the hearing on the motion is set for **April 18,**

1 **2013 at 11 a.m.** the U.S. District Court, 1301 Clay Street, Oakland, California 94612. For  
2 courtroom number and floor information, please check the Court's on-line calendar at  
3 <http://www.cand.uscourts.gov> (click "Calendars - Judges' Weekly Calendars" link, then select Judge  
4 Ryu's calendar) or call Judge Ryu's Courtroom Deputy, Ivy Garcia, at (510) 637-3639, one week  
5 prior to the scheduled hearing.

6 Immediately upon receipt of this Order, Plaintiff shall serve Defendants with a copy of this  
7 Order and file a proof of service with the court.

8  
9 IT IS SO ORDERED.

10  
11 Dated: March 21, 2013



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DONNA M. RYU  
United States Magistrate Judge