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2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5

6 SAP AMERICA, INC.,

7 Plaintiff,

No. C 13-1248 PJH

8 v.

**ORDER GRANTING IN PART AND
DENYING IN PART MOTION TO
DISMISS**

9 PI-NET INTERNATIONAL, INC.,

10 Defendant.
11 _____/

12 Defendant's motion to dismiss came on for hearing before this court on July 24,
13 2013. Plaintiff SAP America, Inc. ("plaintiff") appeared through its counsel, Tharan Lanier
14 and Kyle Barrett. Defendant Pi-Net International, Inc. ("defendant") appeared through its
15 counsel, Robert Yorio. Having read the papers filed in conjunction with the motion and
16 carefully considered the arguments and the relevant legal authority, and good cause
17 appearing, the court hereby GRANTS in part and DENIES in part defendant's motion for
18 the reasons stated at the hearing and as follows.

19 In its motion, defendant argues that plaintiff's complaint does not establish that this
20 court has subject matter jurisdiction over the case. Plaintiff seeks a declaratory judgment
21 of invalidity for three of defendant's patents, but its complaint alleges only that defendant
22 "has sued customers of SAP for allegedly infringing the patents-in-suit," and "has
23 contended that software supplied by SAP . . . infringes the patents-in-suit." Complaint, ¶ 1.
24 The complaint does not identify any specific SAP customer or specific SAP product that
25 has been accused of infringement by defendant. Accordingly, to the extent that defendant
26 seeks an identification of a specific customer and specific product accused of infringement,
27 the court GRANTS defendant's motion to dismiss with leave to amend. Plaintiff's amended
28 complaint must identify at least one customer and at least one product of SAP's that has

1 been accused of infringement by defendant. However, the complaint need not provide an
2 exhaustive list of all customers and products accused of infringement, and defendant's
3 motion is DENIED to the extent that it seeks any such exhaustive list. Plaintiff shall have
4 until **August 21, 2013** to file an amended complaint in accordance with this order, and
5 defendant shall have until **September 11, 2013** to answer or otherwise respond to the
6 complaint.

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8 **IT IS SO ORDERED.**

9 Dated: July 29, 2013



10 PHYLLIS J. HAMILTON
11 United States District Judge
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