

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**SEMICONDUCTOR EQUIPMENT AND
MATERIALS INTERNATIONAL, INC.,**

Plaintiff,

v.

THE PEER GROUP, INC., ET AL.,

Defendants.

Case No. 15-cv-00866-YGR

**ORDER GRANTING MOTION TO DISMISS
WITH LEAVE TO FILE MOTION TO AMEND**

Re: Dkt. No. 47

Defendants The PEER Group, Inc. and PEER Intellectual Property Inc. (“PEER IP”) (collectively “PEER”) have moved the Court for an order dismissing two claims in the Second Amended Complaint (“SAC”) of Plaintiff Semiconductor Equipment and Materials International’s (“SEMI”) under Rule 12(b)(6) of the Federal Rules of Civil Procedure: SEMI’s Second Claim for Relief for Violation of 15 U.S.C. § 2 (attempted monopolization) and Third Claim for Relief for Violation of Cal. Bus. & Prof. Code § 17200 *et seq.* (unfair competition).

Having carefully considered the papers submitted and the pleadings in this action, and for the reasons stated on the record at the hearing of this matter on August 18, 2015, the Court **GRANTS** the Motion to Dismiss the Second and Third Claims for Relief. SEMI is granted leave to amend as follows:

Should SEMI seek to amend these claims for relief, it shall file a motion for leave to amend setting forth all amendments proposed to remedy the deficiencies identified by the Court at the hearing and legal authorities in support of SEMI’s allegations. In addition to a copy of the proposed amended complaint, any such motion shall include a red-line version comparing the

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SAC to the proposed amended complaint. Any such motion must be filed no later than **September 15, 2015**.

SEMI shall file a notice with the Court no later than Friday, **August 21, 2015**, indicating whether it intends to file such motion for leave to amend. If no notice is timely filed, or if SEMI indicates that it will not file a motion for leave to amend, PEER's motion will be deemed granted with prejudice.

This Order terminates Dkt. No. 47.

IT IS SO ORDERED.

Dated: August 19, 2015


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE