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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
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6 **CELLSPIN SOFT, INC.,**

7 Plaintiff,

8 vs.

9 **GARMIN INTERNATIONAL, INC., ET AL.,**

10 Defendants.

CASE NO. 17-cv-05934-YGR

**ORDER GRANTING PLAINTIFF'S MOTION TO
PERMIT PRIOR INCORPORATION BY
REFERENCE; DENYING MOTION FOR LEAVE
TO FILE SUR-REPLY**

Re: Dkt. Nos. 39, 40

11 Two motions are now before this Court, namely plaintiff's motions (i) to permit plaintiff's
12 prior incorporation by reference into its opposition in this case of its opposition to the omnibus
13 motion to dismiss in related cases for which proceedings have been consolidated; and (ii) for leave
14 to file a sur-reply regarding the Rule 12(c) motion of defendant Garmin International, Inc., et al.
15 (Dkt. Nos. 39 and 40.) Having considered plaintiff's motions and the proceedings in this matter,
16 the Court **GRANTS** plaintiff's motion to permit plaintiff's prior incorporation by reference into its
17 opposition in this case of its opposition to the omnibus motion to dismiss (Dkt. No. 39) and
18 **DENIES** plaintiff's motion for leave to file a sur-reply. (Dkt. No. 40.)

19 This terminates Dkt. Nos. 39 and 40.

20 **IT IS SO ORDERED.**

21 Dated: February 22, 2018

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23 **YVONNE GONZALEZ ROGERS**
24 **UNITED STATES DISTRICT COURT JUDGE**
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