

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 **UNITY IPR APS,**
5 Plaintiff,

6 vs.

7 **FCS RACING SIMULATION B.V., ET AL.,**
8 Defendants.

CASE NO. 17-cv-06470-YGR
**GRANTING MOTION FOR JURISDICTIONAL
DISCOVERY; CONTINUING MOTION TO
DISMISS**

Re: Dkt. No. 19, 20

9 The motion of plaintiff Unity IPR ApS for jurisdictional discovery (Dkt. No. 20) to oppose
10 the motion of defendant Cruden BV to dismiss for lack of personal jurisdiction is **GRANTED**.

11 Unity has alleged facts to establish a basis for personal jurisdiction as to Cruden in its complaint.

12 Cruden's motion to dismiss ostensibly challenged the allegations of the complaint alone.

13 However, on reply to the motion, Cruden submitted a declaration refuting Unity's allegations.

14 Unity seeks jurisdictional discovery to respond to Cruden's arguments and declaration.

15 Jurisdictional "[d]iscovery may be appropriately granted where pertinent facts bearing on
16 the question of jurisdiction are controverted or where a more satisfactory showing of the facts is
17 necessary." *Boschetto v. Hansing*, 539 F.3d 1011, 1020 (9th Cir. 2008) (quoting *Data Disc, Inc. v.*
18 *Systems Tech Assoc. Inc.*, 557 F.2d 1280, 1285 n.1 (9th Cir. 1977)). To grant the motion here
19 without permitting Unity a reasonable opportunity to test Cruden's evidence, offered for the first
20 time on reply, would result in actual and substantial prejudice to Unity.

21 Therefore, Unity is granted a brief period of discovery limited to jurisdictional issues.
22 Such jurisdictional discovery shall be concluded by **May 31, 2018**. Unity may file a supplemental
23 opposition to the motion to dismiss no later than **June 14, 2018**. Cruden may file a supplemental
24 reply no later than **June 21, 2018**. The motion to dismiss, currently set for hearing on March 6,
2018, is **CONTINUED** to **July 10, 2018**, at 2:00 p.m.

25 **IT IS SO ORDERED.**

26 This terminates Docket No. 20.

27 Dated: February 28, 2018

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YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE