

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
 Claude M. Stern (Bar No. 96737)  
 2 claudestern@quinnemanuel.com  
 Evette D. Pennypacker (Bar No. 203515)  
 3 evettepennypacker@quinnemanuel.com  
 555 Twin Dolphin Dr., 5<sup>th</sup> floor  
 4 Redwood Shores, CA 94065  
 Telephone: (650) 801-5000  
 5 Facsimile: (650) 801-5100

6 Joshua L. Sohn (Bar No. 250105)  
 joshuasohn@quinnemanuel.com  
 7 Sam S. Stake (Bar No. 257916)  
 samstake@quinnemanuel.com  
 8 50 California Street, 22nd Floor  
 San Francisco, California 94111  
 9 Telephone: (415) 875-6600  
 Facsimile: (415) 875-6700

10 Attorneys for Defendant Fusion Garage PTE Ltd.

11  
 12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15

16 INTERSERVE, INC. dba TECHCRUNCH, a  
 Delaware corporation, and CRUNCHPAD,  
 17 INC., a Delaware corporation,

18 Plaintiffs,

19 vs.

20 FUSION GARAGE PTE LTD., a Singapore  
 company,

21 Defendant.  
 22

CASE NO. C 09-cv-5812 RS (PVT)

**FUSION GARAGE’S RESPONSE TO  
 PLAINTIFFS’ NOTICE REGARDING  
 SUBMITTED MATTERS (FUSION  
 GARAGE’S RENEWED MOTION FOR  
 PROTECTIVE ORDER (Dkt. No. 93))**

[CIVIL L.R. 7-13]

**Hon. Patricia Trumbull**

1 Plaintiffs' "Notice Regarding Submitted Matters" is inappropriate and contrary to Local  
2 Rule 7-13. Plaintiffs argue that their Notice is appropriate – even though less than 120 days have  
3 passed since Fusion Garage's Renewed Motion for Protective Order was submitted for decision –  
4 because resolution of Fusion Garage's motion "has particular urgency." (Notice, 2.) However,  
5 there is no such urgency. There has been no Rule 26(f) conference in this case, there is no cut-off  
6 date for discovery or summary judgment motions, and there is no trial date. While it is true that  
7 Plaintiffs have requested to depose certain Fusion Garage witnesses in October – and Fusion  
8 Garage has agreed to present its witnesses at that time – nothing in the case schedule requires that  
9 these depositions occur in October. Rather, the October "deadline" is an artificial deadline of  
10 Plaintiffs' own making. Given that there is no cut-off date for discovery or summary judgment,  
11 Plaintiffs could plainly notice these depositions for a later date if they so wished. In sum, there is  
12 no "urgency" to a resolution of Fusion Garage's Renewed Motion for Protective Order, and it is  
13 improper for Plaintiffs to file a premature "Notice Regarding Submitted Matters" which states,  
14 without support, that such urgency exists.

15 DATED: August 30, 2010

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

17  
18 By /s/ Evette D. Pennypacker  
Evette D. Pennypacker  
19 Attorneys for Defendant Fusion Garage PTE Ltd.  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I, Sam S. Stake, am the ECF User whose identification and password are being used to file this document. Pursuant to General Order 45.X.B., I hereby attest that Evette D. Pennypacker has concurred in this filing.

/s/ Sam S. Stake  
Sam S. Stake