

Winston & Strawn LLP  
101 California Street  
San Francisco, CA 94111-5802

1 WINSTON & STRAWN LLP  
Andrew P. Bridges (SBN: 122761)  
2 abridges@winston.com  
David S. Bloch (SBN: 184530)  
3 dbloch@winston.com  
Matthew A. Scherb (SBN: 237461)  
4 mscherb@winston.com  
101 California Street  
5 San Francisco, CA 94111-5802  
Telephone: (415) 591-1000  
6 Facsimile: (415) 591-1400

7 Attorneys for Plaintiffs and Counter-defendants

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11 TECHCRUNCH, INC. (f/k/a INTERSERVE,  
INC.), and CRUNCHPAD, INC.,

12 Plaintiffs,

13 vs.

14 FUSION GARAGE PTE. LTD., a Singapore  
15 Company,

16 Defendant.

Case No. C 09-cv-05812 RS (PSG)

**[PROPOSED] ORDER GRANTING  
MOTION TO DISMISS AND STRIKE  
PORTIONS OF FUSION GARAGE'S  
ANSWER AND COUNTERCLAIM**

**Fed. R. Civ. P. 12(b)(6), (f)**

17  
18 FUSION GARAGE PTE LTD., a Singapore  
19 Company,

20 Counterclaimant,

21 vs.

22 TECHCRUNCH, INC., a Delaware Corporation,  
and CRUNCHPAD, INC., a Delaware  
23 Corporation,

24 Counter-defendants.

Date: May 5, 2011  
Time: 1:30 P.M.  
Place: Courtroom 3, 17th Floor

Hon. Richard Seeborg

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Upon consideration of Plaintiffs’ Motion to Dismiss and Strike Portions of Fusion Garage’s Answer and Counterclaim, the Court grants the motion in its entirety.

The Court dismisses Defendant’s counterclaim.

The Court strikes the phrase “, always the publicity whore,” from line 8, page 5 of Defendant’s Answer and Counterclaim and strikes the phrase “an unfortunate, disturbing, and almost pathological tendency” from line 17, page 10 of Defendant’s Answer and Counterclaim.

The Clerk shall remove Defendant’s Answer and Counterclaim (Dkt. 195) from the public record and Defendant shall file an Amended Answer within seven (7) days that removes the struck material and makes no other substantive changes.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

UNITED STATES DISTRICT JUDGE