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7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 TECHCRUNCH, INC., et al.

12 Plaintiffs,

13 vs.

14 FUSION GARAGE PTE. LTD.,

15 Defendant.

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

)
) **PLAINTIFFS' STATEMENT RE**
) **DEFENDANT FUSION GARAGE PTE,**
) **LTD.'S FAILURE TO OPPOSE**
) **PLAINTIFFS' APPLICATION FOR**
) **DEFAULT JUDGMENT**

) Date: May 10, 2012

) Time: 1:30 p.m.

) Courtroom # 3

17
18 The sad saga of Fusion Garage's destruction of the CrunchPad—the world's first tablet
19 computer—is nearly over. Plaintiffs TechCrunch and CrunchPad have been waiting for justice since
20 2009, when they sued their erstwhile joint venturer, Fusion Garage, after it misappropriated the fruits
21 of their shared labor and (disastrously) launched their tablet computer solo as the “joojoo.” As the
22 Court has previously held, “[Fusion Garage] may have breached fiduciary duties arising from a joint
23 venture between the parties”; “the parties’ conduct in jointly working to develop a tablet computer
24 speaks louder than any uncertainties that may have existed between them as to the details of how
25 their relationship would be structured.” Dkt. No. 162 at 2, 8 n. 3. Over the course of nearly three
26 years, Fusion Garage bobbed and weaved, only to finally drop out of the case altogether and abscond
27 to Singapore. The Court and clerk duly held Fusion Garage in default, Dkt. No. 241, and now the

1 moment of reckoning is finally at hand.

2 On March 23, 2012, TechCrunch and CrunchPad filed their application for default judgment
3 against Fusion Garage. Dkt. Nos. 242, 246. Under this Court's local rules, Fusion Garage's
4 opposition was due within 14 days of filing and service, on April 6, 2012. Civil Local R. 7-3(a).
5 Fusion Garage failed to appear or oppose the default judgment application. It has, quite simply,
6 surrendered. So there is no need to rehash the facts Plaintiffs have established, no need for a detailed
7 reply, and no reason for the Court to expend additional judicial and party resources holding an
8 evidentiary hearing. Fusion Garage broke its promises to TechCrunch and CrunchPad, it failed to
9 defend itself in this litigation over those broken promises, and it must now be judged guilty of grave
10 breaches of its fiduciary duties to its innocent business partners. This case is over, and it is now time
11 to move from the merits to the nontrivial task of collecting on the judgment.

12 TechCrunch and CrunchPad respectfully ask that the Court vacate the May 10 hearing and
13 enter a default judgment against Fusion Garage and in their favor, in the form attached as Exhibit A.

14
15 Respectfully submitted,

16 Dated: April 9, 2012

WINSTON & STRAWN LLP

17 By: /s/ Nicholas Short
18 David S. Bloch
19 Nicholas Short
Attorneys for TechCrunch and CrunchPad