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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

OGAWA,	NO. C 10-04308 EJD
Plaintiff(s),	<b>ORDER (1) VACATING SUBMISSION OF MOTION FOR DEFAULT JUDGMENT, (2) RE-SETTING HEARING ON MOTION FOR DEFAULT JUDGMENT, AND (3) SETTING CASE MANAGEMENT CONFERENCE</b>
v.	
NORMARK ENTERPRISES, INC.,	
Defendant(s).	

On July 14, 2011, the Court took Plaintiff Richard T. Ogawa’s (“Plaintiff”) Motion for Default Judgment under submission without oral argument pursuant to Civ. L.R. 7-1(b). The Court hereby VACATES its submission of Plaintiff’s Motion for Default Judgment and resets the hearing as follows: Plaintiff’s Motion for Default Judgment as to LJS Manufacturing, Inc. is **re-set for hearing on 8/26/2011 09:00 AM in Courtroom 1, 5th Floor, San Jose before Hon. Edward J. Davila.**

In light of the recent ruling from the Federal Circuit In re BP Lubricants USA Inc. 637 F.3d 1307 (Fed. Cir. 2011), in which the pleading requirements for false marking were clearly articulated to require pleading with particularity pursuant to Fed. R. Civ. P. 9(b), the Court finds that it would benefit from supplemental briefing from Plaintiff on the issue. Accordingly, **on or before 8/19/2011**, Plaintiff shall file a supplemental brief addressing the effect of In re BP Lubricants, Alan Neuman Productions, Inc. v. Albright, 862 F.2d 1388, 1392 (9th Cir. 1988) and any other relevant cases on Plaintiff’s request for default judgment.

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Plaintiff's Case Management Statement filed on May 5, 2011 requested a Case Management Conference to discuss recent information that has come to the attention of Plaintiff, indicating that another Defendant should be named in the lawsuit that has effectively assumed the product and sale of the products that were previously manufactured and sold by the current Defendant. Accordingly, Plaintiff shall appear to discuss this issue at a **Case Management Conference on 8/26/11 at 10:00 AM in Courtroom 1, 5th Floor, San Jose before Hon. Edward J. Davila.**

**IT IS SO ORDERED.**

Dated: July 28, 2011

  
EDWARD J. DAVILA  
United States District Judge