

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EIT HOLDINGS LLC, a Delaware company,

No. C 10-05623 WHA

Plaintiff,

No. C 11-02463 JCS

No. C 11-02465 PSG

No. C 11-02466 HRL

v.

No. C 11-02468 MEJ

No. C 11-02469 JCS

No. C 11-02471 EDL

YELP! INC., a Delaware corporation,

No. C 11-02472 HRL

Defendant.

**ORDER FINDING CASES
TO BE UNRELATED**

Plaintiff accuses multiple companies of infringing two of its patents. Plaintiff named nine defendants in one patent-infringement action in this district (No. C 10-05623 WHA). After the parties were invited to brief the issue of possible misjoinder, one defendant was voluntarily dismissed and seven defendants were dismissed for misjoinder (Dkt. Nos. 80, 83, 86). The order dismissing all but the first-named defendant stated: “Given the disparity in defendants, websites, and other disparate issues discussed herein like damages, willfulness, and discovery supervision, it is worth adding that the allegations against each defendant would *not* be related under our civil local rules even if brought here as separate actions.” (Dkt. No. 86 at 4).

Plaintiff subsequently filed separate actions against each of the seven defendants that were dismissed for misjoinder. Plaintiff now moves for consideration whether each of those seven actions should be related to the original action pursuant to Civil Local Rule 3-12. In light of the above statement in the order of dismissal, plaintiff seeks a formalized holding that the cases are

1 unrelated (Dkt. Nos. 90–96 at 5). Plaintiff notes that the allegations and claimed relief in the new
2 actions are identical to those originally brought in the first-filed action (*id.* at 2). No oppositions
3 were filed. For the same reasons stated in the dismissal order, this order finds that none of the
4 seven new actions is related to the first-filed action.

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6 **IT IS SO ORDERED.**

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8 Dated: June 1, 2011.


9 WILLIAM ALSUP
10 UNITED STATES DISTRICT JUDGE
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