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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RPOST HOLDINGS, INC., et al.,
Plaintiffs,
v.
TREND MICRO INCORPORATED,
Defendant.

Case No. [14-cv-02824-BLF](#)

**ORDER INSTRUCTING DEFENDANT
TO FILE MOTION TO CONSIDER
WHETHER CASES SHOULD BE
RELATED**

On May 16, 2014, the Honorable Rodney Gilstrap, United States District Judge for the Eastern District of Texas, ordered that the above-captioned case be transferred to this district. (ECF 29) The case was transferred on June 18, 2014, (ECF 30), and, after a party declined to proceed before a Magistrate Judge, (ECF 33), the case was reassigned to the undersigned judge.


Judge Gilstrap transferred this case to this district because Trend Micro, Inc. had filed a declaratory judgment action in the Northern District of California on November 11, 2013, which pre-dated the filing of the above-captioned action in the Eastern District of Texas. Judge Gilstrap found that the above-captioned case was “substantially similar” to the declaratory judgment action, Case No. 13-cv-05227-VC (N.D. Cal. 2013), and, consistent with the “first-to-file” rule, *see Genentech v. Eli Lilly & Co.*, 998 F.2d 931, 938 (Fed. Cir. 2008), ordered the case transferred.

Consistent with the rationale for transferring the above-captioned case to this district, the Court hereby instructs Defendant to file a Motion to Consider Whether Cases Should Be Related in *Trend Micro Inc. v. RPost Holdings, Inc.*, Case No. 13-cv-05227-VC, within the next fourteen (14) days, no later than July 24, 2014.

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IT IS SO ORDERED.

Dated: July 10, 2014


BETH LABSON FREEMAN
United States District Judge