

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION

4 FITBIT, INC.,
5 Plaintiff,
6 v.
7 ALIPHCOM, et al.,
8 Defendants.
9

Case No. 15-cv-04073-EJD

**ORDER DENYING DEFENDANTS'
MOTION TO EXTEND PRETRIAL
SCHEDULE**


Re: Dkt. No. 146

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11 Presently before the Court is Defendants' Motion to Extend Pretrial Schedule, which seeks
12 a 60-day extension of the Court's pretrial schedule. Dkt. No. 146. Although the motion states that
13 it seeks relief under Civil Local Rule 6-3, this is in fact a Federal Rule of Civil Procedure 16(b)(4)
14 motion to modify the case schedule. The Court thus evaluates it as such.

15 Under Rule 16(b)(4), "[a] schedule may be modified only for good cause and with the
16 judge's consent." "Good cause" exists when a deadline "cannot reasonably be met despite the
17 diligence of the party seeking the extension." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d
18 604, 609 (9th Cir. 1992) (citation omitted). Here, Defendants have failed to show diligence.
19 Defendants have been represented by the same law firm since May 25, 2017, and they should have
20 been preparing their case since at least that time. A June 19, 2017 assignment of assets does not
21 change this fact. Defendants' motion discusses their need for additional time, but it lacks evidence
22 or argument that Defendants have been diligent. As such, good cause is not apparent on this
23 showing. Defendants' motion is DENIED.

24 **IT IS SO ORDERED.**

25 Dated: August 8, 2017

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27 EDWARD J. DAVILA
United States District Judge

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