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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BODUM USA, INC.,
Plaintiff,
v.
WILLIAMS-SONOMA, INC.,
Defendant.

Case No. 16-CV-03009-LHK

**ORDER DENYING MOTION TO
MODIFY BRIEFING SCHEDULE**

Re: Dkt. No. 70

Before the Court is Defendant’s motion to modify the briefing schedule for Defendant’s motion for summary judgment. ECF No. 70. Defendant argues that in order to maintain the February 2, 2017 Defendant’s motion for summary judgment, the Court should extend the time for Plaintiff to file a response to the motion for summary judgment to January 9, 2017 and extend the time for Defendant to file a reply to January 19, 2017. *Id.* at 2.

Plaintiff’s response to Defendant’s motion for summary judgment was due on November 7, 2016. ECF No. 63. On that day, rather than file an opposition to the motion for summary judgment based on the current record, Plaintiff responded to the motion for summary judgment in the form of an opposition under Federal Rule of Civil Procedure (“Rule”) 56(d). ECF No. 67. Plaintiff has elected to treat this Rule 56(d) motion as its response to the motion for summary

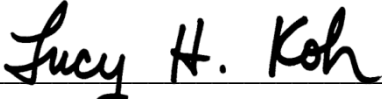
1 judgment. *See* ECF No. 71, at 2 (“Bodum did respond—with a Rule 56(d) opposition”); *id.*
2 (stating that Defendant’s motion would require “Bodum to respond, again, to the summary
3 judgment motion”). Defendant may file a reply to this Rule 56(d) opposition without any need for
4 the Court to issue a modified briefing schedule.

5 Therefore, Defendant’s motion to modify the briefing schedule for Defendant’s motion for
6 summary judgment is DENIED. The Court will rule on Plaintiff’s request for relief under Rule
7 56(d) in a separate order. The February 2, 2017 hearing date for Defendant’s motion for summary
8 judgment, together with all other deadlines the Court has set, remains as scheduled.

9 **IT IS SO ORDERED.**

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Dated: November 22, 2016



LUCY H. KOH
United States District Judge