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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 WEST VIEW RESEARCH, LLC, a  
12 California corporation,  
13 Plaintiff,  
14 v.  
15 BMW OF NORTH AMERICA, LLC, a  
16 Delaware corporation; and BMW  
17 MANUFACTURING CO., LLC, a  
18 Delaware corporation,  
19 Defendants.

Case No.: 16-CV-2590 JLS (AGS)

**ORDER REQUESTING  
SUPPLEMENTAL BRIEFING**

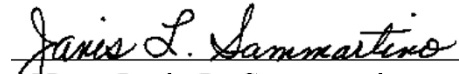
(ECF No. 38)

20 Presently before the Court is Defendants BMW of North America, LLC’s and BMW  
21 Manufacturing Co., LLC’s (collectively, “BMW Defendants”) Motion to Dismiss Pursuant  
22 to Fed. R. Civ. P. 12(b)(3). (ECF No. 38.) Also before the Court are Plaintiff’s Response  
23 in Opposition to, (“Opp’n,” ECF No. 45), and BMW Defendants’ Reply in Support of,  
24 (“Reply,” ECF No. 46), the Motion to Dismiss. Recently, the Federal Circuit issued its  
25 opinion in *In re Cray, Inc.*, —F.3d—, 2017 WL 4201535 (Fed. Cir. Sept. 21, 2017). *Cray*  
26 directly addressed the issue of what constitutes “a regular and establish place of business”  
27 under 28 U.S.C. § 1400(b). Accordingly, the Court finds that supplemental briefing is  
28 necessary to adjudicate the Motion to Dismiss. The supplemental briefing shall address the

1 issue of whether and to what extent *In re Cray* affects the Motion presently before the  
2 Court. Accordingly, Plaintiff **SHALL FILE** a supplemental briefing on or before October  
3 20, 2017. Defendant **SHALL FILE** its responsive brief on or before November 3, 2017.

4 **IT IS SO ORDERED.**

5 Dated: October 4, 2017

  
6 Hon. Janis L. Sammartino  
7 United States District Judge

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