

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

SAN FRANCISCO TECHNOLOGY,
INC.,

Civil No. 10-1706 (JRT/FLN)

Plaintiff,

ORDER DENYING MOTION

v.

MAGNUM RESEARCH, INC.,

Defendant.

Cory Olson, Richard Ostlund, and Steven Kerbaugh, **ANTHONY OSTLUND BAER & LOUWAGIE PA**, 90 South Seventh Street, Suite 3600, Minneapolis, MN 55402; Daniel Fingerman, **MOUNT & STOELKER, PC**, 333 West San Carlos Street, San Jose, CA 95110, for plaintiff.

Brent Lorentz and David Davenport, **WINTHROP & WEINSTINE, PA**, 225 South Sixth Street, Suite 3500, Minneapolis, MN 55402, for defendant.

This matter is before the Court on defendant's motion to dismiss.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that defendant's motion to dismiss [Docket No. 50] is **DENIED WITHOUT PREJUDICE** for failure to prosecute. Counsel are instructed to advise the Court if the motion will be refiled.

DATED: September 9, 2010
at Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge