

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
TERI JON SPORTS, INC., :
 :
 : 17 Civ. 4043 (PAE)
 : Plaintiff, :
 : ORDER OF DISMISSAL
 : -v- :
 :
 : READMOB TECHNOLOGIES (HK) LTD., :
 :
 : Defendant. :
 :
 :
----- X

PAUL A. ENGELMAYER, District Judge:

On May 30, 2017, plaintiff Teri Jon Sports, Inc. (“Teri Jon”) filed its complaint, bringing claims against seven defendants for trademark infringement and civil violations of the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. § 1962(c). Dkt. 1. In September and October 2017, Teri Jon voluntarily dismissed its claims against six of those defendants. Dkts. 49, 52–54.


The seventh and sole remaining defendant, Readmob Technologies (HK) Ltd. (“Readmob”), was never served. On November 2, 2017, the Court directed Teri Jon to file a Rule 4(f)(3) motion for alternative service of a foreign defendant by November 16, 2017. Dkt. 56. However, Teri Jon never filed that motion and never effected service on Readmob.

On November 13, 2019, the Court ordered Teri Jon to serve Readmob by November 19, 2019, warning that “[i]f service is not completed by then, the Court will dismiss the case, without prejudice, for failure to prosecute.” Dkt. 57. Teri Jon has not served Readmob or otherwise taken any steps to prosecute its case against the sole remaining defendant.

Accordingly, under Federal Rule of Civil Procedure 41(b) and the Court's inherent power, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-32 (1962), the Court hereby dismisses this case, without prejudice, for the plaintiff's failure to prosecute.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: November 21, 2019
New York, New York