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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MINDEN PICTURES, INC.,

No. C-12-4601 EMC

Plaintiff,

v.

**SECOND NOTICE RE MOTION TO
DISMISS**

JOHN WILEY & SONS, INC.,

(Docket No. 31)

Defendant.

Currently pending before the Court is Defendant's motion to dismiss for lack of subject matter jurisdiction, in which Defendant argues that Plaintiff lacks standing to bring this suit under the Copyright Act. Docket No. 31. The Court has reviewed the parties's submissions, and asks that the parties be prepared to discuss *Gardner v. Nike, Inc.*, 279 F.3d 774, 779 (9th Cir. 2002) and *Sybersound Records, Inc. v. UAV Corp.*, 517 F.3d 1137 (9th Cir. 2008) at the May 9, 2013 hearing on this motion. Additionally, the parties should be prepared to discuss the question of whether Plaintiff is an exclusive licensee with respect to the photographs in question.

IT IS SO ORDERED.

Dated: May 7, 2013



EDWARD M. CHEN
United States District Judge