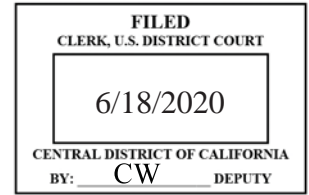


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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SIMPLEAIR, INC.,
Plaintiff,

v.

GOOGLE LLC,
Defendant.

CASE NO. 2:20-cv-02839-JAK-PLA
**ORDER RE SIMPLEAIR, INC.’S
EX PARTE APPLICATION FOR
LEAVE TO FILE SUR-REPLY TO
GOOGLE’S MOTION TO DISMISS
(DKT. 115, CASE NO. 2:16-cv-3758;
DKT. 126, CASE NO. 2:20-cv-2839)**

GOOGLE LLC,
Plaintiff,

v.

SIMPLEAIR, INC.,
Defendant.

CASE NO. 2:16-cv-03758-JAK-PLA
**ORDER RE SIMPLEAIR, INC.’S
EX PARTE APPLICATION FOR
LEAVE TO FILE SUR-REPLY TO
GOOGLE’S MOTION TO DISMISS
(DKT. 115, CASE NO. 2:16-cv-3758;
DKT. 126, CASE NO. 2:20-cv-2839)**

1 SimpleAir, Inc. (“SimpleAir”) filed an Ex Parte Application for Leave to File
2 Sur-Reply to Google’s Motion to Dismiss (the “Application,” Case No. 2:16-cv-
3 3758, Dkt. 115; Case No. 2:20-cv-2839, Dkt. 126). In support of this position,
4 SimpleAir asserts that in the Reply, Google LLC (“Google”): (1) submitted two new
5 exhibits; (2) argued that SimpleAir applied the wrong law for claim preclusion; and
6 (3) addressed dependent claims of previously-asserted patents not addressed in its
7 opening brief. Application at 3.

8 With respect to the new exhibits, Google proffered them to support its
9 contention that the arguments by SimpleAir in its Opposition are inconsistent with
10 positions SimpleAir has asserted in the past. With respect to the dependent claims,
11 Google presented them in response to the arguments by SimpleAir regarding claims
12 of U.S. Patent No. 9,380,106. Neither of these matters warrants a sur-reply.

13 With respect to the legal standard for claim preclusion, a short sur-reply is
14 appropriate. SimpleAir may file a sur-reply not to exceed three pages, that addresses
15 what it contends is the applicable legal standard for claim preclusion. The sur-reply
16 shall be filed on or before June 22, 2020.

17 For the foregoing reasons, the Application (Case No. 2:16-cv-3758, Dkt. 115;
18 Case No. 2:20-cv-2839, Dkt. 126) is **GRANTED-IN-PART** and **DENIED-IN-**
19 **PART**.

20
21 **IT IS SO ORDERED.**

22
23
24 Dated: June 18, 2020



John A. Kronstadt
United States District Judge