

1

2

3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA

5

6

FACEBOOK, INC.,

7

Plaintiff,

8

v.

9

BRANDTOTAL LTD., et al.,

10

Defendants.

Case No. 20-cv-07182-JCS

**ORDER DENYING AS MOOT
MOTION FOR PRELIMINARY
INJUNCTION**

Re: Dkt. No. 126

11

12

Defendants BrandTotal Ltd. and Unimania, Inc. (collectively, “BrandTotal”) moved for a preliminary injunction barring Plaintiff Facebook, Inc. from taking action to interfere with or block access by BrandTotal’s latest product, referenced by the parties as “UpVoice 2021.”¹ The Court held a hearing on May 28, 2021. In order to avoid the need for injunctive relief, the parties agreed at the hearing that Facebook shall not take such action pending the conclusion of this civil action unless it provides BrandTotal notice at least twenty-one days in advance, so that BrandTotal may renew its request for relief. The parties further agreed that, during the pendency of this action, BrandTotal shall notify Facebook of any changes to the UpVoice 2021 code no later than one week after making such changes. Based on that agreement, the motion for a preliminary injunction is DENIED as moot.²

22

IT IS SO ORDERED.

23

Dated: May 28, 2021



JOSEPH C. SPERO
Chief Magistrate Judge

25

26

¹ The parties have consented to the jurisdiction of a magistrate judge for all purposes under 28 U.S.C. § 636(c).

27

28

² To the extent the parties’ agreement does not specifically moot BrandTotal’s request for an injunction requiring Facebook to reinstate BrandTotal’s accounts on Facebook’s social network, that request is denied for failure to show either serious issues or a likelihood of success on any