

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NIKOLA CORPORATION,
Plaintiff,
v.
TESLA INCORPORATED,
Defendant.

Case No. [3:18-cv-07460-JD](#)

ORDER TO SHOW CAUSE


United States District Court
Northern District of California

On July 7, 2021, the Court asked the parties to schedule new tutorial and claim construction hearing dates. Dkt. No. 153. Neither side responded. On September 2, 2021, the Court vacated further proceedings on claim construction for the lack of a response. Dkt. No. 155. As of the date of this order, neither party has advised the Court of proposed new hearing dates.

Plaintiff Nikola Corp. bears the burden of prosecuting this case and moving it to a resolution. It has dropped the ball, and this 2018 action is languishing without explanation or apparent good cause. Consequently, the case is administratively closed. Nikola is ordered to show cause in writing by October 6, 2021, why the case should not be dismissed for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Dated: September 29, 2021



JAMES DONATO
United States District Judge