

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

BF LABS, INC., *et al.*

Defendants.

CASE NO. 4:14-cv-00815-BCW

PLAINTIFF'S RESPONSE TO DEFENDANTS' BENCH BRIEF

Plaintiff, the Federal Trade Commission ("FTC") hereby submits its response to Defendants BF Labs Inc., Sonny Vleisides, and Darla Drake's Bench Brief Stating Reasons Why No Preliminary Injunction or Ancillary Relief Should Be Granted ("Bench Brief"). (Dkt. No. 172.) Rather than being a brief summary framing the issues to be discussed at the upcoming preliminary injunction hearing, Defendants have submitted a 26-page opposition paper. But Defendants have already submitted an opposition brief (Dkt. No. 14) and additional evidence and arguments (Dkt. Nos. 155 and 172). Defendants' Bench Brief is nothing more than an unwarranted surreply. As such, the FTC respectfully requests that the Court strike the pleading, or, in the alternative, afford the FTC 14 days to file its reply as provided by Local Rule 7.0(e).

Respectfully submitted,

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General Counsel

Dated: November 21, 2014

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Dated: November 21, 2014

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 21, 2014, a true and correct copy of the foregoing was filed electronically with the United States District Court for the Western District of Missouri using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system.

/s/ Gregory A. Ashe
Attorney for Plaintiff Federal Trade Commission