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 GOOGLE INC. and SLIDE, INC.

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 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 OAKLAND DIVISION

14  
 15 NICOLE PIMENTAL and JESSICA  
 FRANKLIN, individually and on behalf of  
 16 all others similarly situated,  
 17  
 Plaintiffs,  
 18  
 v.  
 19 GOOGLE INC., a Delaware corporation,  
 and SLIDE, INC., a Delaware corporation,  
 20  
 Defendants.  
 21

Case No. 11-cv-02585-YGR

**RE-NOTICE OF DEFENDANTS' MOTION  
 TO DISMISS PLAINTIFFS'  
 CONSOLIDATED CLASS ACTION  
 COMPLAINT UNDER FED. R. CIV. P.  
 12(b)(6)**

Date: March 6, 2012  
 Time: 2:00 p.m.  
 Place: [Courtroom TBD]  
 Judge: Hon. Yvonne Gonzalez Rogers

22 This Document Relates to All Actions.

1 **RE-NOTICE OF MOTION<sup>1</sup>**

2 TO THE COURT, ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE THAT on March 6, 2012, at 2:00 p.m., or as soon thereafter as  
4 the matter may be heard, in the United States District Courthouse (courtroom to be assigned on  
5 the date of hearing), 1301 Clay Street, Oakland, California, 94612, before the Honorable Yvonne  
6 Gonzalez Rogers, Defendants Google Inc. and Slide, Inc. will, and hereby do, move the Court for  
7 an order dismissing the Consolidated Class Action Complaint (“Complaint” or “CCAC”). The  
8 Motion is made pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the grounds  
9 that (a) the Complaint fails to allege facts sufficient to state a claim under the Telephone  
10 Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, upon which relief can be granted; and  
11 (b) construing the TCPA to prohibit the Disco SMS messages would violate the First  
12 Amendment.

13 This Motion is based upon this Re-Notice, the Memorandum of Points and Authorities  
14 filed on October 14, 2011 (Dkt. No. 29), the Request for Judicial Notice filed on October 14,  
15 2011 (Dkt. No. 30), the reply memorandum filed on December 2, 2011 (Dkt. No. 45), the  
16 pleadings and files in this action, and such other matters as may be presented at or before the  
17 hearing.

18 DATED: January \_\_\_\_, 2012

**PERKINS COIE LLP**

19 By: /s/ Bobbie J. Wilson  
20 **BOBBIE J. WILSON**

21 Attorneys for Defendants  
22 **GOOGLE INC. and SLIDE, INC.**

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27 <sup>1</sup> Defendants originally noticed this motion for a hearing on February 28, 2012, before the  
28 Honorable Sandra Brown Armstrong. Defendants hereby re-notice this motion pursuant to Part  
A.7. of the January 18, 2012 order that reassigned this case to the Honorable Yvonne Gonzalez  
Rogers. Dkt. No. 50.