

Hon. Marsha J. Pechman

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

INTERVAL LICENSING LLC,

Plaintiff,

v.

AOL, INC., et al.,

Defendants.

No. 2:10-CV-01385-MJP

DEFENDANT APPLE INC.'S REPLY
IN SUPPORT OF ITS MOTION TO
DISMISS FOR FAILURE TO STATE A
CLAIM UPON WHICH RELIEF CAN
BE GRANTED PURSUANT TO FED.
R. CIV. P. 12(B)(6)

NOTE ON MOTION CALENDAR:
November 12, 2010

Defendant Apple Inc. ("Apple") submits this Reply in support of its Motion To Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted Pursuant To Fed. R. Civ. P. 12(b)(6). (Docket No. 80.)

In the interest of expeditiously disposing of or managing this case, Apple hereby joins in Google Inc. and YouTube LLC's (collectively, "Google") Reply In Support Of Their Motion To Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted Pursuant To Fed. R. Civ. P. 12(b)(6) (Docket No. 130), and incorporates by reference the authority and arguments presented therein. Specifically, Plaintiff's Complaint makes the same insufficient allegations against Apple that it makes against Google, and

1 thus Plaintiff's arguments in its Opposition (Docket No. 123) fail against Apple for the
2 same general reasons that they fail against Google. Accordingly, based on the incorporated
3 authority and arguments as well as the analysis in Apple's original motion, Apple requests
4 that the Court dismiss Interval's Complaint against Apple.

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6 DATED: November 12, 2010 O'MELVENY & MYERS LLP

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this date, I electronically filed the foregoing document with
3 the Clerk of the Court using the CM/ECF system which will send notification of such filing
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13 I declare under penalty of perjury under the laws of the State of Washington that the
14 foregoing is true and correct.

15 Dated this 12th day of November, 2010 at Seattle, Washington.

16 s/ Colette D. Saunders

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18 Legal Assistant

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