

Honorable Marsha J. Pechman

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTERVAL LICENSING LLC,

Plaintiff,

v.

AOL, INC.; APPLE, INC.; eBAY, INC.;
FACEBOOK, INC.; GOOGLE INC.; NETFLIX,
INC.; OFFICE DEPOT, INC.; OFFICEMAX
INC.; STAPLES, INC.; YAHOO! INC.; and
YOUTUBE, LLC,

Defendants.

Civil Case No. 2:10-CV-01385-MJP

**DEFENDANT YAHOO! INC.'S
NOTICE OF JOINDER IN
DEFENDANTS GOOGLE INC. AND
YOUTUBE, LLC'S 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)**

Noted for consideration on:
November 12, 2010
ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that defendant Yahoo! Inc. ("Yahoo!") joins in defendants Google Inc. ("Google") and YouTube, LLC's ("YouTube") 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), for all the reasons therein.

Additionally, Plaintiff Interval Licensing LLC ("Interval") does not seriously challenge the fact that its infringement allegations are so vague that Yahoo! cannot implement an appropriate document hold notice. Indeed, Interval actually concedes that Yahoo! need not impose a document hold at this time in light of the lack of specificity in the

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complaint. (Dkt. No. 123 at 10-11 fn. 2). Interval’s concession speaks volumes – Interval implicitly acknowledges its complaint’s deficiencies, only hoping to “cure” with later-served infringement contentions. This pleading tactic ignores the requirements of the Federal Rules of Civil Procedure and it should not be condoned.

For this reason, and for all of the other reasons stated in Google and Youtube’s motion to dismiss, reply, and supporting papers, Yahoo! respectfully requests an order dismissing the complaint for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6).

1 Dated: November 12, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Mark P. Walters, hereby certify that on November 12, 2010, I caused the foregoing

DEFENDANT YAHOO! INC.'S NOTICE OF JOINDER IN DEFENDANTS

GOOGLE INC. and youtube, LLC's 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) to be served on the following

parties as indicated below:

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