

HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

INTERVAL LICENSING LLC,  
Plaintiff,  
v.  
AOL, INC., et al.,  
Defendants.

Case No. No. 2:10-cv-01385-MJP

**DEFENDANT FACEBOOK, INC.'S JOINDER  
IN MOTIONS TO DISMISS OR SEVER FOR  
MISJOINDER**

**SCHEDULED FOR HEARING:  
April 25, 2011, at 4:00 pm**

Defendant Facebook Inc. ("Facebook") respectfully joins in the Renewed Motion to Dismiss or Sever for Misjoinder (Dkt. No. 193) filed by defendant Yahoo! Inc. ("Yahoo") and other related motions to dismiss or sever for misjoinder.<sup>1</sup> Facebook previously filed a Joinder to Google Inc. and Youtube, LLC's ("Google") Motion to Dismiss or Sever for Misjoinder (Dkt. No. 91). On December 13, 2010, the Court reserved ruling on all pending motions to dismiss or sever. (Order Memorializing Scheduling Conference (Dkts. No. 149) ¶ 3.) Facebook respectfully requests that the Court dismiss or sever it from the above-captioned case for the reasons set forth

<sup>1</sup> Facebook, however, respectfully requests that the Court rule on the pending motion to stay the case pending reexamination prior to ruling on any other outstanding issues in this litigation, including the pending motions to sever.

1 in its original joinder, in Google's original Motion to Dismiss or Sever (Dkt. No. 63), and in the  
2 renewed motion recently filed by Yahoo!

3 Because the prior motions and Yahoo!'s renewed motion, in which Facebook now joins,  
4 have been fully briefed and because the Court has scheduled oral argument on Yahoo!'s renewed  
5 motion and the Renewed Motion to Sever or Dismiss filed by eBay, Netflix, Office Depot, and  
6 Staples (Dkt. No. 192), Facebook requests that its joinder in Yahoo!'s renewed motion be  
7 considered along with the other motions to dismiss or sever. In filing this notice Facebook does  
8 not request additional time for argument at the April 25, 2011 hearing, and will coordinate with  
9 the other defendants on use of the allotted time.

10 Counsel for Facebook met and conferred telephonically with counsel for Plaintiff on April  
11 8, 2011, and, subject to the Court's approval, Plaintiff's counsel has consented to Facebook's  
12 filing of this notice joining Yahoo!'s renewed motion and Facebook's request for oral argument  
13 on April 25, 2011.

14 Dated: April 8, 2011

COOLEY LLP

15 /s/ Heidi L. Keefe

16 Heidi L. Keefe (*pro hac vice*)

17 Mark R. Weinstein (*pro hac vice*)

18 Elizabeth L. Stameshkin (*pro hac vice*)

19 3175 Hanover St.

Palo Alto, CA 94304-1130

Tel: (650) 843-5000

Fax: (650) 849-7400

20 Michael G. Rhodes (*pro hac vice*)

21 101 California St., 5th Floor

San Francisco, CA 94111-5800

22 Tel: (415) 693-2000

Fax: (415) 693-2222

23 Christopher B. Durbin (WSBA #41159)

24 719 Second Avenue, Suite 900

Seattle, WA 98104

25 Tel: (206) 452-8700

26 Fax: (206) 452-8800

Email: cdurbin@cooley.com

27 Attorneys for Defendant FACEBOOK, INC.

1 **CERTIFICATE OF SERVICE**

2  
3 This is to hereby certify that on this 8th day of April, 2011, I caused a true and correct  
4 copy of the foregoing document to be served via this Court's Electronic Filing ("ECF") System,  
5 upon the following:

6 **Attorneys for Plaintiff Interval Licensing LLC**

7 Justin A. Nelson (jnelson@susmangodfrey.com)  
8 Eric J. Enger (eenger@hpcllp.com)  
9 Matthew R. Berry (mberry@susmangodfrey.com)  
10 Max L. Tribble (mtribble@susmangodfrey.com)  
11 Michael F. Heim (mheim@hpcllp.com)  
12 Nathan J. Davis (ndavis@hpcllp.com)  
13 Edgar G. Sargent (esargent@susmangodfrey.com)  
14 Oleg Elkhunovich (oelkhunovich@susmangodfrey.com)

15 **Attorneys for OfficeMax, Inc.**

16 Kevin C. Baumgardner (kbaumgardner@corrchronin.com)  
17 Steven W. Fogg (sfogg@corrchronin.com)  
18 Jeffrey D. Neumeyer (JeffNeumeyer@officemax.com)  
19 John S. Letchinger (letchinger@wildmanharrold.com)  
20 Douglas S. Rupert (keating@wildman.com)

21 **Attorneys for Yahoo!**

22 Mark P. Walters (mwalters@flhlaw.com)  
23 Dario A. Machleidt (dmachleidt@flhlaw.com)  
24 Francis Ho (fho@mofo.com)  
25 Richard S. J. Hung (rhung@mofo.com)  
26 Michael Jacobs (mjacobs@mofo.com)  
27 Matthew I. Kreeger (mkreeger@mofo.com)  
28 Eric W. Ow (eow@mofo.com)

**Attorneys for eBay Inc., NetFlix, Inc., Office Depot, Inc. and Staples, Inc.**

J. Christopher Carraway (chris.carraway@klarquist.com)  
John D. Vandenberg (john.vandenberg@klarquist.com)  
Arthur W. Harrigan, Jr. (arthurh@dhl.com)  
Christopher T. Wion (chrisw@dhl.com)  
Kristin L. Cleveland (Kristin.cleveland@klarquist.com)  
Klaus H. Hamm (Klaus.hamm@klarquist.com)  
Derrick W. Toddy (derrick.toddy@klarquist.com)  
Jeffrey S. Love (jeffrey.love@klarquist.com)

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

**Attorneys for Apple Inc.**

Scott T. Wilsdon (wilsdon@yarmuth.com)  
Jeremy E. Roller (jroller@yarmuth.com)  
David S. Almeling (dalmeling@omm.com)  
George A. Riley (griley@omm.com)  
Brian M. Berliner (bberliner@omm.com)  
Neil L. Yang (nyang@omm.com)

**Attorneys for AOL Inc.**

Gerald F. Ivey (gerald.ivey@finnegan.com)  
Cortney S. Alexander (cortney.alexander@finnegan.com)  
Eliot C. Cook (elliott.cook@finnegan.com)  
Robert L. Burns (robert.burns@finnegan.com)  
Molly Terwilliger (mollyt@summitlaw.com)

**Attorneys for Google Inc. and Youtube, LLC**

Kevin X. McGann (kmcgann@whitecase.com)  
Dimitrios T. Drivas (ddrivas@whitecase.com)  
John Handy (jhandy@whitecase.com)  
Aaron Chase (aaron.chase@whitecase.com)  
Warren S. Heit (wheit@whitecase.com)  
Wendi Schepler (wschepler@whitecase.com)  
Shannon M. Jost (Shannon.jost@stokeslaw.com)  
Scott A.W. Johnson (sawj@stokeslaw.com)  
Theresa Hsin-Yi Wang (Theresa.wang@stokeslaw.com)

/s/ Heidi L. Keefe  
Heidi L. Keefe