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Honorable Marsha J. Pechman

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 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 ON MOTION CALENDAR:
NOVEMBER 12, 2010**

PLEASE TAKE NOTICE that defendant Yahoo! Inc. joins in defendants Google Inc. and YouTube, LLC's 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 Entry No. 64), for all the reasons therein.

Additionally, Yahoo! notes that Interval Licensing's infringement allegations are so vague that Yahoo! cannot implement an appropriate document hold notice. Based on Interval's complaint, Yahoo! cannot identify which of its products and services may be relevant to the lawsuit. (Declaration of Kevin Kramer in Support of Yahoo!'s Notice of Joinder in Motion

1 to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted Pursuant To
2 Fed. R. Civ. P. 12(b)(6) (“Kramer Decl.”) ¶ 2-3.) Yahoo! has hundreds of products and
3 services, the vast majority of which involve websites, hardware, and/or software. (Kramer
4 Decl. ¶ 4.) The complaint’s lack of specificity leaves Yahoo! in the dark as to what activity
5 allegedly infringes, and thus which documents need to be preserved. (*Id.*) Counsel for
6 Yahoo! wrote a letter to counsel for Interval Licensing on October 6, 2010, asking for
7 additional information as to which Yahoo! products and services are alleged to infringe the
8 asserted patents, but has not yet received a response. (Kramer Decl. ¶¶ 6-7.) Thus, Yahoo!
9 has been unable to issue an adequate litigation hold notice to ensure that its employees
10 preserve the appropriate documents.

11 For this reason, and for all of the other reasons stated in Google Inc. and Youtube,
12 LLC’s motion to dismiss, Yahoo! respectfully moves this court to dismiss for failure to state
13 a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(B)(6).

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Dated: October 21, 2010

Respectfully submitted,

By: /s/ Mark P. Walters

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Attorneys for Defendant YAHOO! INC.

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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2010, I caused the foregoing **DEFENDANT**
YAHOO! INC.'S NOTICE OF JOINDER IN 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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