1		Honorable Marsha J. Pechman
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6	UNITED STATES DISTR	ICT COURT
7	FOR THE WESTERN DISTRICT OF WASHINGTON	
8	INTERVAL LICENSING LLC,	Civil Case No. 2:10-CV-01385-MJP
9	Plaintiff,	DEFENDANT YAHOO! INC.'S NOTICE OF JOINDER IN MOTION
10	V.	TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH
11	AOL, INC.; APPLE, INC.; eBAY, INC.; FACEBOOK, INC.; GOOGLE INC.; NETFLIX, INC.; OFFICE DEPOT, INC.; OFFICEMAX	RELIEF CAN BE GRANTED PURSUANT TO FED. R. CIV. P.
12	INC.; OFFICE DEPOT, INC.; OFFICEMAX INC.; STAPLES, INC.; YAHOO! INC.; and YOUTUBE, LLC,	12(B)(6) NOTED ON MOTION CALENDAR:
13	Defendants.	NOVEMBER 12, 2010
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16	5 PLEASE TAKE NOTICE that defendant Yahoo! Inc. joins in defendants Google	
17	Inc. and YouTube, LLC's motion to dismiss for fail	lure to state a claim upon which relief
18	can be granted pursuant to Fed. R. Civ. P. 12(b)(6) (Docket Entry No. 64), for all the	
19	reasons therein.	
20	Additionally, Yahoo! notes that Interval Licensing's infringement allegations are so vague	
21	that Yahoo! cannot implement an appropriate document hold notice. Based on Interval's	
22	complaint, Yahoo! cannot identify which of its products and services may be relevant to the	
23	lawsuit. (Declaration of Kevin Kramer in Support of	f Yahoo!'s Notice of Joinder in Motion
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	DEF. YAHOO! INC.'S NOTICE OF JOINDER IN MOTION TO DISMISS FOR FAILURE TO STATE A	FROMMER LAWRENCE & Haug LLP

CLAIM - 1 Civil Case No. 2:10-CV-01385-MJP FROMMER LAWRENCE & HAUG LLP 1191 SECOND AVENUE SEATTLE, WASHINGTON 98101 (206) 336-5690

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. \P 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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	DEF. YAHOO! INC.'S NOTICE OF JOINDER IN MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM - 2 Civil Case No. 2:10-CV-01385-MJPFROMMER LAWRENCE & HAUG LLP 1191 Second Avenue Seattle, Washington 98101 (206) 336-5690	

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2	Dated: October 21, 2010	Respectfully submitted,
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	DEF. YAHOO! INC.'S NOTICE OF JOINDER IN MOTION TO DISMISS FOR FAILURE TO STATE CLAIM - 3 Civil Case No. 2:10-CV-01385-MJP	A FROMMER LAWRENCE & HAUG LLP 1191 SECOND AVENUE SEATTLE, WASHINGTON 98101 (206) 336-5690

1	CERTIFICATE OF SERVICE	
2	I hereby certify that on October 21, 2010, I caused the foregoing DEFENDANT	
3	YAHOO! INC.'S NOTICE OF JOINDER IN MOTION TO DISMISS FOR FAILURE	
4	TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED PURSUANT	
5	TO FED. R. CIV. P. 12(B)(6) to be served on the following parties as indicated below:	
6 7 8 9 10	Justin A. Nelson Matthew R. Berry SUSMAN GODFREY 1201 Third Ave., Suite 3800 Seattle, WA 98101 Attorneys for Plaintiff Interval Licensing LLC	 [] By United States Mail [] By Legal Messenger [X] By Electronic CM/ECF [] By Overnight Express Mail [] By Facsimile [] By Email [by agreement of counsel] jnelson@susmangodfrey.com mberry@susmangodfrey.com
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	DEF. YAHOO! INC.'S NOTICE OF JOINDER IN MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM - 4 Civil Case No. 2:10-CV-01385-MJP	FROMMER LAWRENCE & HAUG LLP 1191 Second Avenue Seattle, Washington 98101 (206) 336-5690

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DEF. YAHOO! INC.'S NOTICE OF JOINDER IN MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM - 5 Civil Case No. 2:10-CV-01385-MJP

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	DEF. YAHOO! INC.'S NOTICE OF JOINDER IN	FROMMER LAWRENCE &
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