

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 OR SEVER FOR
MISJOINDER PURSUANT TO FED.
R. CIV. P. 20 AND 21**

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 or sever from the above-captioned action for misjoinder for all the reasons therein.

Additionally, Interval's statement at Dkt. No. 122 fn. 2 erroneously suggests that Yahoo! will not seek transfer under 28 U.S.C. § 1404(a). Yahoo!'s joinder in Google's motion to dismiss does not so indicate. To be clear, Yahoo! has not waived its right to seek transfer to another court under section 1404 after this Court has considered the motion to dismiss or sever for misjoinder.

1 Yahoo! respectfully requests that the Court dismiss Yahoo! from this case, or sever
2 the claims against Yahoo!, because joinder of defendants here is improper, for the reasons
3 set forth in Google and YouTube's motion to dismiss or sever, the reply filed in further
4 support of that motion, and all other supporting papers.

5 Dated: November 12, 2010

Respectfully submitted,

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7 By: /s/ Mark P. Walters

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Attorneys for Defendant YAHOO! INC.

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 OR SEVER FOR MISJOINDER PURSUANT TO FED. R.
CIV. P. 20 AND 21 to be served on the following parties as indicated below:

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