

Hon. Marsha J. Pechman

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

INTERVAL LICENSING LLC,

Plaintiff,

v.

AOL, INC., et al.,

Defendants.

No. 2:10-CV-01385-MJP

APPLE INC.'S NOTICE REGARDING
MOTION TO DISMISS OR SEVER

Scheduled for Hearing:
April 25, 2011, at 4:00pm

Defendant Apple Inc. (“Apple”) joins in the Renewed Motion to Dismiss or Sever for Misjoinder (Dkt. No. 193) filed by defendant Yahoo! Inc. (“Yahoo”). Apple previously filed a Motion to Dismiss or Sever (Dkt. No. 81). On December 13, 2010, the Court reserved ruling on Apple’s Motion to Dismiss or Sever and other similar motions. (Order Memorializing Scheduling Conference (Dkt. No. 149) ¶ 3.) Apple respectfully requests that the Court dismiss or sever it from the above-captioned action for the reasons set forth in its original motion, in Google’s original Motion to Dismiss or Sever (Dkt. No. 63), and in the renewed motion recently filed by Yahoo!

Because the prior motions and Yahoo!’s renewed motion, in which Apple now joins, have been fully briefed and because the Court has scheduled oral argument on Yahoo!’s renewed motion and the Renewed Motion to Sever or Dismiss filed by eBay,

1 Netflix, Office Depot, and Staples (Dkt. No. 192), Apple requests that its joinder in
2 Yahoo!'s renewed motion be considered along with the other motions to dismiss or sever.
3 In filing this notice Apple understands that the Court has granted defendants twenty minutes
4 total for argument at the April 25, 2011 hearing. Apple does not request additional time,
5 and will instead coordinate with the other defendants on how to use the allotted time.

6 The undersigned counsel for Apple met and conferred telephonically with counsel
7 for Plaintiff on April 8, 2011, and, subject to the Court's approval, Plaintiff's counsel has
8 consented to Apple's filing of this notice joining Yahoo!'s renewed motion and Apple's
9 request for oral argument on April 25, 2011.

10
11 DATED: April 8, 2011.

O'MELVENY & MYERS LLP

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 8th day of April, 2011 at Seattle, Washington.

s/ Shelley Meyer

Shelley Meyer
Legal Assistant

SF1:818542.1

