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 INTERNET CORPORATION FOR ASSIGNED
 NAMES AND NUMBERS
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10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA
 12

13 RUBY GLEN, LLC,
 14 Plaintiff,
 15 v.

16 INTERNET CORPORATION FOR
 ASSIGNED NAMES AND
 17 NUMBERS,
 18 Defendant.
 19

Case No. 2:16-cv-5505 PA (ASx)

Assigned for all purposes to the
 Honorable Percy Anderson

DEFENDANT INTERNET
 CORPORATION FOR ASSIGNED
 NAMES AND NUMBERS'
 NOTICE OF MOTION TO
 DISMISS FIRST AMENDED
 COMPLAINT

[[Proposed] Order filed
 concurrently herewith]

Hearing Date: November 28, 2016
 Hearing Time: 1:30 p.m.
 Courtroom: 15

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1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that, on November 28, 2016, at 1:30 p.m., or as
3 soon thereafter as counsel may be heard, in the courtroom of the Honorable Percy
4 Anderson, Courtroom 15, United States District Court for the Central District of
5 California, 255 East Temple Street, Los Angeles, CA 90012, defendant Internet
6 Corporation for Assigned Names and Numbers (“ICANN”) will and hereby does
7 file a motion to dismiss (“Motion”) Plaintiff Ruby Glen LLC’s First Amended
8 Complaint (“FAC,” ECF No. 23) pursuant to Fed. R. Civ. P. 12(b)(6) (“Rule
9 12(b)(6)”) and Fed. R. Civ. P. 12(b)(7) (“Rule 12(b)(7)”).

10 Pursuant to Rule 12(b)(6), ICANN seeks to dismiss all causes of action
11 asserted in the FAC with prejudice for failure to state a claim. ICANN also seeks to
12 dismiss the FAC pursuant to Rule 12(b)(7) for failure to join a necessary party, Nu
13 Dotco, LLC (“NDC”), as required under Rule 19 of the Federal Rules of Civil
14 Procedure.

15 Pursuant to Local Rule 7-3, this Motion is made following a conference of
16 counsel, which took place on October 19, 2016 and continued on October 21 and
17 24, 2016. On October 26, 2016, Plaintiff’s counsel informed ICANN’s counsel that
18 Plaintiff would oppose this Motion and that the parties would be unable to reach a
19 resolution that eliminated the necessity of this Motion.

20 This Motion is based on this notice of motion, the accompanying
21 memorandum of points and authorities, all pleadings and papers on file in this
22 action, and such further evidence and argument as may be presented at or before the
23 hearing on this matter.

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Dated: October 26, 2016

JONES DAY

By: /s/ Eric P. Enson
Eric P. Enson

Attorneys for Defendant
INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS