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5

6 **UNITED STATES DISTRICT COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
8

9 INTERNET BRANDS, INC., a
10 Delaware corporation,

11 Plaintiff,

12 v.

13 WILLIAM RYAN HOLLIDAY, an
individual; HOLLIDAY IT SERVICES,
14 INC., a California corporation; and
JAMES HEILMAN, an individual;; and
15 DOES 1-10, inclusive,

16 Defendants.
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Case No. cv12-8088-SVW(RZx)

**OPPOSITION TO DEFENDANTS'
SPECIAL MOTION TO STRIKE
AND MOTION TO DISMISS**

Judge: Hon. Stephen V. Wilson
Date: November 5, 2012
Time: 1:30 p.m.
Crtrm.: 6

Hon. Stephen V. Wilson

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

Defendants' anti-Slapp Motion must fail because as a matter of fact and law, none of the conduct giving rise to this lawsuit is related to constitutionally protected free speech. Defendants would have this Court believe that the crux of this lawsuit is Plaintiff's opposition to Defendants creating a new, competing online travel guide sponsored by Wikimedia that is not true, and has not been alleged by Plaintiff. Wikimedia foundation has even filed a declaratory relief action in another court -- in the Superior Court of California -- alleging the existence of a dispute that does not, in fact, exist. Finally, they allege here that the non-existent "public interest" issue that they themselves concocted in their case also exists here, in this case. It does not. This lawsuit has nothing to do with the creation of a rival online travel site or the migration of content from Plaintiff's website Wikitravel.org ("Wikitravel") to a competing site run by Wikimedia or otherwise. As the allegations demonstrate, this action strictly relates to actions and communications by Defendants in which they infringe Plaintiff's Wikitravel mark and engage in an attempt to confuse and deceive Wikitravel users into thinking that Plaintiff's Wikitravel site was either shutting down or migrating in its entirety to a Wikimedia-run site. In short, this is strictly a dispute amongst would be business competitors which, as a matter of fact and law, is not an issue of public interest.

Defendants conflate facts and misapply caselaw in the hopes of convincing this Court that the wiki culture and creation of wiki sites is an issue in this case at all, and that it is somehow a public issue. This Court should not be fooled. Defendants cannot act against a competitor, then seek public comment on their actions and other topics they claim are related (but in fact are not), and then hide behind "free speech" and "public issue" posts created after the fact. Since Defendants have failed to meet their initial burden of demonstrating that an issue of

1 public interest, and therefore constitutional free speech, is involved, their Motion
2 must be denied.

3 II.

4 **DEFENDANTS' ANTI-SLAPP MOTION SHOULD BE DENIED**

5 A. **Applicable Standards**

6 "A court considering a motion to strike under the anti-SLAPP statute must
7 engage in a two-part inquiry...First, the defendant must make a prima facie showing
8 that the plaintiff's suit arises from an act in furtherance of the defendant's rights of
9 petition or free speech." *Mindy's Cosmetics, Inc. v. Dakar*, 611 F.3d. 590, 595 (9th
10 Cir. 2010). Only after defendant has made such a prima facie showing does the
11 burden shift to plaintiff to demonstrate a probability of prevailing on the challenged
12 claims. *Id.* "To satisfy this second prong, the plaintiff must show a reasonable
13 probability of prevailing in its claims for those claims to survive dismissal." *Id.* at
14 598. "Reasonable probability" in the anti-Slapp context has a specialized meaning
15 and only requires a "minimum level of legal sufficiency and triability." *Id.* Often
16 called the "minimal merit" prong, it requires only that the plaintiff "state and
17 substantiate a legally sufficient claim." *Id.* at 598-599. "The applicable burden is
18 much like that used in determining a motion for nonsuit or directed verdict, which
19 mandates dismissal **when no reasonable jury could find for the plaintiff.**" *Id.*
20 (boldface added). "It is enough that the plaintiff demonstrates that the suit is viable,
21 so that the court should deny the special motion to strike and allow the case to go
22 forward." *Tichinin v. City of Morgan Hill*, 177 Cal.App.4th 1049, 1062 (2009).

23 B. **THE ACTION DOES NOT IMPLICATE DEFENDANTS'**
24 **PROTECTED RIGHTS OF FREE SPEECH**

25 1. **Defendants Have no First Amendment Right in the Choice of**
26 **Domain Names**

27 In *Bosley Medical Institute, Inc. v. Kremer*, 403 F.3d. 672 (9th Cir.
28 2005), the Ninth Circuit stated that "an infringement lawsuit by a trademark owner

1 over a defendant's unauthorized use of the mark as his domain name does not
2 necessarily impair the defendant's free speech rights." *Id.* at 682. The court
3 explained that "domain names...per se are neither automatically entitled to nor
4 excluded from the protections of the First Amendment, and the appropriate inquiry
5 is one that fully addresses the particular circumstances presented with respect to
6 each domain name." *Id.* The court thus reasoned that "while a summary judgment
7 motion might have been well-taken, an anti-Slapp motion to strike was not." *Id.*

8 Here, Plaintiff has alleged that Defendants have used Plaintiff's mark,
9 or a confusingly similar version thereto, as part of Defendants' domain name for the
10 rival website. (Complaint, ¶¶22, 24, 38, 42, 49). As the *Bosley* case makes clear,
11 Defendants have no protected free speech interest in the naming of their competing
12 website, so they have failed to establish the first-prong of the anti-Slapp inquiry and
13 their Motion must therefore be denied.

14 2. **The Dispute Between Plaintiff and Defendants is Not a "Public**
15 **Issue or Issue of Public Interest"**

16 Defendants argue that the email sent by them to Wikitravel members is
17 protected under Subdivision(e)(4) of the anti-Slapp statute, which protects "any
18 conduct in furtherance of the exercise of the constitutional right of petition or the
19 constitutional right of free speech in connection with a public issue or an issue of
20 public interest." However, while Defendants spend substantial time arguing that
21 expression in a private email may be protectable if they involve a public issue
22 (which Plaintiff does not dispute), they cursorily gloss over the requirements for
23 demonstrating that the expression at issue in the present lawsuit was in fact related
24 to a public issue. As will be demonstrated below, Defendants' limited infringing
25 use of Plaintiff's trademark in that email for the commercial purpose of misleading
26 Wikitravel users into thinking that Internet Brands' site was going to either cease to
27 exist or migrate to a site owned by Wikimedia or some other third party is not a
28 protected public issue or issue of public interest. Therefore, Plaintiff has not

1 impinged upon any protected activity and the Motion must be denied.

2 A matter of public interest is “one that is something of concern to a
3 substantial number of people.” *Language Line Services, Inc. v. Language Services*
4 *Associates, LLC*, 2011 WL 5024281 at *3 (N.D. Cal. 2011). It is true that the
5 definition of public interest can include not only governmental matters, but also
6 private conduct that affects a broad segment of society and/or a community in a
7 manner similar to that of the governmental entity. *Damon v. Ocean Hills*
8 *Journalism Club*, 85 Cal.App.4th 468, 479 (2000). However, these matters involve
9 “powerful organization[s] [that] may impact the lives of many individuals.” *Church*
10 *of Scientology v. Wollersheim*, 42 Cal.App.4th 628, 650 (1996).

11 The court in *Weinberg v. Feisel*, 110 Cal.App.4th 1122 (2003)
12 explained that the attributes of an issue that would render it one of public, rather
13 than private, interest. “First, ‘public interest’ does not equate with mere curiosity.
14 [Citations omitted] Second, a matter of public interest should be something of
15 concern to a substantial number of people. [Citation omitted] Thus, a matter of
16 concern to the speaker and a relatively small, specific audience is not a matter of
17 public interest. [Citations omitted] Third, there should be some degree of closeness
18 between the challenged statements and the asserted public interest [Citation
19 omitted]; the assertion of a broad and amorphous public interest is not sufficient.
20 [Citation omitted] Fourth, the focus of the speaker’s conduct should be the public
21 interest rather than a mere effort to gather ammunition for another round of [private]
22 controversy... [Citation omitted] Finally, [a] person cannot turn otherwise private
23 information into a matter of public interest simply by communicating to a large
24 number of people.” *Id.* at 1132-1133. Taking into account the *Weinberg* factors,
25 the analysis below of the present dispute makes clear that it is purely one of private,
26 not public, interest, and therefore does not relate to protected activity and is not
27 covered by the anti-SLAPP statute.

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1 It should be noted from the outset that this lawsuit does not arise out of
2 the creation of a potential competing website to Wikitravel nor the migration of
3 content and/or users, moderators or content contributors to a rival website. Plaintiff
4 has never opposed any such actions and has alleged no causes of action in the
5 Complaint that relate to same. What the Complaint does allege is that Defendants
6 sent an email to some Wikitravel members improperly using and infringing the
7 Wikitravel trademark in an attempt to pass themselves off as Plaintiff and convince
8 the Wikitravel users that Wikitravel was either shutting down altogether or
9 migrating to a platform that was no longer to be hosted by Plaintiff. In short,
10 Defendants took a one time swing at deceiving, and diverting to a new site, the users
11 of the Wikitravel website. Thus, there is no real nexus between Defendants' alleged
12 "public interest" -- the proposal to create a new travel wiki edited and curated by the
13 public (Motion, p. 16) -- and the particular statements/email that give rise to
14 Plaintiff's claims. By Defendants' logic, every wrongdoer in a dispute with a
15 competitor could always claim "public interest" as long as they were starting a
16 "wiki" site, and would be immune from liability for any wrongful conduct against a
17 competing site. This is not the law.

18 Furthermore, the alleged public interest here in no way amounts to the
19 types of activities involving private conduct that courts have found deserving of
20 anti-SLAPP protection. *See e.g. Church of Scientology*, 42 Cal.App.4th at 650
21 (citing product liability suits and real estate or investment scams as examples); *see*
22 *also Damon*, 85 Cal.App.4th at 471-473, 479 (where there was already wide debate
23 over whether a large residential community of over 3000 individuals and 1633
24 homes should continue to be self-governed or switch to a professional management
25 company, allegedly defamatory statements regarding same involved "an inherently
26 political question of vital importance to each individual and to the community as a
27 whole" and therefore concerned issues of public interest); *see also Macias v.*
28 *Hartwell*, 55 Cal.App.4th 669, 671-672 (1997) (campaign statements made during a

1 union election constituted a public issue because the statements affected 10,000
2 union members and concerned a fundamental political matter-the qualifications of a
3 candidate to run for office); *see also Averill v. Superior Court*, 42 Cal.App.4th 1170
4 (1996) (statements opposing the location of a battered women's shelter in a
5 neighborhood; *see also Ludwig v. Superior Court*, 37 Cal.App.4th 8 (1995) (conduct
6 opposing development of a mall because of its environmental impact on the area).
7 The decision as to whether Wikimedia should create a new website or whether
8 Wikitravel users should frequent the other competing website is hardly of this type
9 of impactful nature that gives rise to a public interest. Worse, the dispute here is not
10 about creation of a new site or even a good faith plea to users to visit the new site. It
11 is alleged that misstatements were made falsely designating in context the origin of
12 the email and the relationship between Plaintiff's wikitravel.org site and the new site
13 Defendants were unfairly promoting by use of Plaintiff's mark in confusing fashion.

14 Wikimedia is an entity in the business of operating and promoting
15 websites, and the users who frequent these websites are its customers. Defendants
16 try to conflate this point by stating that "690 members of the public responded to the
17 Wikimedia request for public comment." (Motion, p.16). These respondents are not
18 representative members of the general public, they are simply a combination of
19 Wikimedia users and customers and potentially online travel site aficionados. The
20 question of whether it should endorse a new travel website is the same as any other
21 company deciding whether it should release a new product. This is simply a private
22 interest amongst a narrow and select audience-Wikimedia and Wikitravel users-and
23 therefore not one of public concern. Clearly, this is not the type of far-reaching,
24 life-affecting activity the anti-SLAPP statute was designed to protect. Furthermore,
25 as noted in *Weinberg*, the fact that Wikimedia has asked or attempted to involve
26 large portions of the public in this dispute by launching the RFC does not turn this
27 limited, private dispute into a public one.

28

1 The alleged issue of public importance essentially collapses down to
2 whether Wikitravel users should stay at Plaintiff's site or switch to a competitor's
3 product.¹ Courts have made clear that "the anti-SLAPP statute does not apply to
4 commercial speech about a competitor." *TYR Sport Inc. v. Warnaco Swimwear Inc.*,
5 679 F.Supp.2d. 1120, 1141-1142 (C.D. Cal. 2009); *See also Globetrotter Software,*
6 *Inc., v. Elan Computer Group, Inc.* 63 F.Supp.2d. 1127, 1130 (N.D. Cal. 1999)
7 (holding that the statements of one company regarding a competitor company do not
8 satisfy the "issue of public interest" requirement of the anti-SLAPP statute). Thus,
9 the allegedly infringing email and activity, in which Plaintiff alleges that Defendants
10 illegally tried to pass themselves off to promote the competing website and
11 disparage the Wikitravel website, is not protected activity.

12 Furthermore, courts have rejected the contention that because the
13 public may be interested in the quality of a given company's products or services,
14 improper conduct criticizing or attacking those services is protected. *World*
15 *Financial Group, Inc. v. HBW Ins. & Financial Services, Inc.*, 172 Cal.App.4th
16 1561, 1569-1570 (2009). The court in *World Financial* held that in a dispute
17 between business competitors where defendants allegedly solicited plaintiff's
18 employees to switch companies to join their new enterprise and where defendants
19 were alleged to have attempted to interfere with plaintiff's customer base, "the fact
20 that a broad and amorphous public interest can be connected to a specific dispute is
21 not sufficient to meet the statutory requirements of an anti-SLAPP lawsuit" and the
22 "public interest" was not implicated. Thus, the allegedly infringing email and

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24 ¹ To the extent that Defendants would argue that that the public interest at
25 issue is somehow tied to Plaintiff's inclusion of paid advertisements on the
26 Wikitravel website, which according to Defendants is the impetus behind the whole
27 desire for a competing travel website, this argument is of no avail because "a
28 publication does not become connected with an issue in the public interest simply
because it is widely disseminated, or because it can be used as an example of bad
practices or how to combat bad practices." *Wilbanks v. Wolk*,
121 Cal.App.4th 883, 900 (2004).

1 activity, in which Plaintiff alleges that Defendants illegally tried to pass themselves
2 off to promote the competing website and disparage the Wikitravel website, is not
3 protected activity. *Id.* The similarity between the instant case and *World Financial*
4 is obvious: Plaintiff has alleged that a competitor has sought to interfere with its
5 customer base.²

6 This Court should also note that the specific activity for which Plaintiff
7 is suing, Defendants' singular email attempt to deceive and steal Plaintiff's
8 customers, collapses down to what *Weinberg* referred to as "a mere effort to gather
9 ammunition for another round of [private] controversy." The email in question
10 simply seeks to drum up support for this private dispute and sway the balance of
11 user frequency between the sites, and is exclusively related to private business
12 competition.

13 Defendants bear the initial burden of establishing that the case involves
14 protected free speech. If they do not meet that burden, their Motion fails. *See*
15 *Mindy's Cosmetics*, 611 F.3d. at 595. Yet, the only legal support they offer for the
16 proposition that their alleged misstatements are a matter of "public interest"
17 actually holds to the contrary. Defendants rely almost exclusively on this cropped
18 quote from *Wilbanks v. Wolk*, 121 Cal.App.4th 883 (2004): "consumer information
19 [that] affects a large number of persons...generally is viewed as information
20 concerning a matter of public interest." However, the cropped quote misrepresents
21 the holding of *Wilbanks*, and its inapplicability to the instant action.

22 In *Wilbanks*, the defendant "had studied the industry, has written books
23 on it, and ...her web site provides consumer information about it, including
24 educating consumers about the potential for fraud...[defendant] identifies the

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26 ² There is also a parallel between the defendant in *World Financial* trying to
27 get the plaintiff's employees to join its enterprise and Defendants here trying to get
28 the content creators and moderators (who admittedly, are not employees of Plaintiff)
to join Defendants' new travel site enterprise.

1 brokers she believes have engaged in unethical or questionable practices, and
2 provides information for the purpose of aiding visitors and investors to choose
3 between brokers. The information provided by [defendant] on this topic...was more
4 than a report of some earlier conduct or proceeding; it was consumer protection
5 information.” *Id.* at 800.

6 Contrary to Defendants’ urging, under the *Wilbanks* standard they cite,
7 their alleged misstatements are clearly not “public interest” speech. First, the
8 defendant in *Wilbanks* was a third-party “public watchdog”, offering opinion and
9 criticism to interested consumers as a public service. The statements at issue were
10 these kinds of “public interest” speech because they were these types of “watchdog”
11 warnings and opinions. By contrast, here, Defendants are expressly not offering
12 opinions and criticisms in the offending misstatements; they are simply making
13 statements about the wikitravel.org website that are alleged to have been
14 deliberately misleading. It is a commercial dispute. Thus, as *Wilbanks* makes clear,
15 since Defendants here were simply conveying alleged mis-information at most about
16 their own business practices but at least about those of Internet Brands, and were not
17 acting as “public watchdogs” offering opinions and warnings, then the statements in
18 question – the subject of the claims -- are not a topic of widespread public interest in
19 the way that the “watchdog” criticism and opinions were in *Wilbanks*. Thus, under
20 *Wilbanks* and similar cases in its cohort, this merely commercial activity does not –
21 and cannot -- meet the definition of “public interest” without violating the very
22 standards Defendants are supposed to be upholding *Id.* at 898. *See All One God*
23 *Faith, Inc. v. Organic and Sustainable Industry Standards, Inc.*, 183 Cal.App.4th
24 1186, 1210 (2010) (holding that that case was inapposite from *Wilbanks* because
25 where speech was commercial speech and sought to promote its members’ general
26 business interest, there was no “true third-party endorsement or criticism, in the
27 nature of consumer protection information”).

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1 Second, the statements by the defendant in *Wilbanks* “were not simply
2 a report of one broker’s business practices, of interest only to that broker and those
3 who had been affected by those practices” but rather was designed to help the
4 general public with broker selection amongst a vast array of possibilities. *Wilbanks*
5 at 900. In comparison, Defendants’ alleged misstatements here are of interest only
6 to the customers and potential customers of the Wikitravel website and/or
7 Defendants’ competing website; this is a business dispute where one competing
8 entity (Wikimedia) has misspoken about, and unlawfully maligned, its competitor’s
9 (Internet Brands) website. It is not any more than that, as a matter of fact or law.

10 Finally, the only other case cited by Defendants on the “public interest”
11 issue, *Global Telemedia Intern., Inc. v. Doe 1*, 132 F.Supp.2d. 1261 (C.D. Cal.
12 2001) is also inapposite. In that case, defendants were not “in any business that
13 could be said to be competing with Plaintiffs. They were speaking not as
14 competitors, but simply as investors.” *Id.* at 1266. Here, Defendants are speaking
15 directly as competitors as they are spearheading the formation of a competing travel
16 website. Furthermore, the plaintiff there was a publicly traded company with
17 thousands of investors, which Internet Brands is not. And moreover, the statements
18 at issue there involved negative evaluations of the performance of the company as a
19 whole and the CEO. The court there stated “a publicly traded company with many
20 thousands of investors is of public interest because its successes or failures will
21 affect not only individual investors, but in the case of large companies, potentially
22 market sectors or the markets as a whole.” Clearly, the Wikitravel web page, and
23 any potentially competing site, are not of this nature. Finally, Defendants
24 contention that “the fact that a chat-room dedicated [to the plaintiff] has generated
25 over 30,000 postings further indicates that the company is of public interest” (*Id.* at
26 1265) is of no avail. The fact that Wikitravel and Wikivoyage users have generated
27 a large volume of articles and guides (Motion, p. 16) is not indicative of a public
28 interest in the issue at the center of this case; unlike the posts (which are discussing

1 the company and its performance-the area of public interest) these articles simply
2 discuss travel locations objectively—they are totally silent as to the alleged area of
3 public interest, which is the creation of a competing travel website and whether
4 users of either site can migrate content under their licenses (which “issue”) is not
5 even in dispute, making it no issue at all.

6 **C. PLAINTIFF WILL BE ABLE TO PREVAIL ON ITS CLAIMS**

7 Since Defendants have not met their burden of showing that the action arises
8 from their rights of free speech, the Motion should be denied and an inquiry by the
9 Court as to whether Plaintiff will prevail on its claims is unnecessary. However,
10 even if this Court were to find that there was a public interest and anti-SLAPP
11 protection may be applicable Plaintiff will be able to prevail on its claims and the
12 Motion should still be denied.

13 Here, Plaintiff’s trademark infringement and unfair business practices claims
14 are based on allegations that Defendants emailed Plaintiff’s customers and users and
15 by virtue of referring to themselves using Plaintiff’s Wikitravel trademark, deceived
16 them into believing that Plaintiff’s website was either shutting down or migrating to
17 Wikimedia.³ The email (detailed in Paragraph 30 of the Complaint), which stated it
18 “is being sent...on behalf of Wikitravel administrators” stated in particular that “the
19 Wikitravel community is looking to migrate to the Wikimedia Foundation.”
20 Defendants argue that (1) using the trademark Wikitravel in describing the
21 community was nominative use; and (2) since Holliday was himself a Wikitravel
22 administrator and the email included a FAQ about the migration and listed Ryan as a
23 Wikitravler user, there was nothing misleading or no likelihood of confusion.

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³ Defendants claim there is no website being operated as Wiki Travel Guide. Plaintiff has of yet been unable to get any verification one way or another what the new Wikimedia website is going to be called. Plaintiff reserves the right to discuss additional trademark infringement claims relating to same at the hearing.

1 Neither of these arguments is sufficient to support granting the Motion,
2 especially considering the limited “minimal merit” that Plaintiff must show. (See
3 **Section IIA** above for discussion on applicable standards). Simply put, both
4 arguments are far too speculative to declare that no jury could find for Plaintiff. For
5 instance, a jury could find that Plaintiff’s statements regarding the “Wikitravel
6 community” could just have easily be interpreted by the recipients of the email to
7 refer to the Wikitravel website itself as it did to particular users of the website. This
8 is especially true since Defendants did not state that **some** members or users of the
9 Wikitravel website were looking to migrate, but made the blanket statement about
10 the “Wikimedia community,” which would seem to imply or encompass **every user**
11 of the Wikitravel site, which was simply not the case. In short, Defendants’
12 nominative use argument fails because his words were not in fact describing the
13 “Wikimedia community,” they were only describing the intentions of him and some
14 other users. *See Toyota Motor Sales, U.S.A., Inc. v. Tabari*, 610 F.3d. 1171, 1175-
15 1176 (9th Cir. 2010) (holding that for nominative fair use defense to apply, the
16 product must have been readily identifiable without use of the mark and the
17 defendant must not have falsely suggested that he was sponsored or endorsed by the
18 trademark holder”).

19 Similarly, just because Defendants’ user info and the FAQ appeared in the
20 email so that some readers may have believed that it was being sent by a
21 user/administrator and not Plaintiff or its representatives, this does not in any way
22 necessitate the conclusion that the alleged mis-statements about the “migrating of
23 the Wikitravel community” to the new site must be interpreted as meaning that only
24 some users were migrating rather than a complete cessation of Plaintiff’s Wikitravel
25 website, which the email implied was “broken”. Determining what users interpreted
26 statements to mean will require discovery, of course. All Defendants have done is
27 raise a potential factual dispute, which is inappropriate for resolution on this Motion.

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III.

PLAINTIFF WILL DISMISS ITS FEDERAL LANHAM ACT CLAIM, BUT REQUESTS THAT THE DISMISSAL BE WITHOUT PREJUDICE

Plaintiff's Lanham Act claim was primarily predicated on the assumption that Defendants were starting a new Wiki travel site called Wiki Travel Guide, which would infringe Plaintiff's Wikitravel trademark. Defendants' Motion now includes numerous statements and declarations that there is no website called Wiki Travel Guide or anything similar. Plaintiff is willing to take Defendants at their word and dismiss the claim. However, Plaintiff requests that the dismissal be without prejudice so that if Defendants (or others affiliated with Defendants) do end up operating a site called Wiki Travel Guide or anything else that similarly infringes Plaintiff's mark, Plaintiff can pursue its Lanham Act claim.

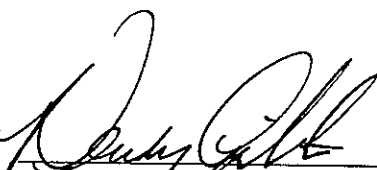
IV.

CONCLUSION

This case was filed because of allegedly misleading conduct by individuals. These are fact questions. Talking publicly about the conduct later does not make the original, commercial conduct "free speech" or a "public issue". Neither does inventing after the fact a non-existent dispute about license terms and trying to "backdoor" that alleged dispute into this narrow, commercial dispute. The allegations should be elevated on their merits following discovery. Plaintiff respectfully requests that the Court deny Defendants' Motion. Furthermore, Plaintiff asks this Court to dismiss its Lanham Act claim without prejudice.

DATED: October 12, 2012

iGeneral Counsel, P.C.

By: 
Wendy E. Giberti
Attorneys for Plaintiff Internet Brands, Inc.