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ENDORSED
FILED
Superior Court of California
County of San Francisco
DEC 11 2012
CLERK OF THE COURT
BY: WESLEY RAMIREZ
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED DIVISION

WIKIMEDIA FOUNDATION, INC.,
Plaintiff,
v.
INTERNET BRANDS, INC.,
Defendant.

Case No. CGC-12-523971

**PLAINTIFF WIKIMEDIA FOUNDATION,
INC.'S OBJECTION TO DEFENDANT
INTERNET BRANDS INC.'S BELATED
REPLY IN SUPPORT OF DEMURRER**

Date: December 14, 2012
Time: 9:30 a.m.
Judge:
Dept: 302

BY FAX

Trial Date: Not yet set

1 Plaintiff the Wikimedia Foundation, Inc. (“Wikimedia Foundation”) objects to defendant
2 Internet Brands, Inc.’s (“IB”) untimely Reply brief. IB demurred to the Wikimedia Foundation’s
3 First Amended Complaint on October 18, 2012. IB’s demurrer was set for hearing on November
4 19, 2012. The Wikimedia Foundation timely filed its opposition to the demurrer on November 5,
5 2012. The deadline for IB to file its reply in support of the demurrer was November 9, 2012. IB
6 chose not to file a reply brief.

7 On November 16, 2012, the court issued its tentative ruling, overruling IB’s demurrer in
8 its entirety because “[t]he First Amended Complaint is properly pled. Defendant raises factual
9 issues that are improperly determined on demurrer.” On the same day, at 12:15 p.m., IB’s
10 counsel sent an email to the Court requesting that the demurrer hearing be continued until
11 December 14, 2012. In a minute order dated November 19, 2012, the Court adopted its tentative
12 ruling, but continued the demurrer to December 14, 2012.

13 Last Friday, on December 7, 2012, IB attempted to file a belated reply brief (the
14 Wikimedia Foundation first learned of this improper filing yesterday, December 10, 2012). The
15 Reply brief was filed 28 days after the deadline to do so, and 21 after the Court issued a tentative
16 ruling overruling IB’s demurrer. The Reply brief is untimely, and improperly attempts to address
17 points made in the Court’s tentative ruling. The Wikimedia Foundation respectfully requests that
18 the Reply brief be disregarded and stricken from the docket.

19
20 Dated: December 11, 2012

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PROOF OF SERVICE
(FRCP 5)

I am a citizen of the United States and a resident of the State of California. I am employed in San Francisco County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is Cooley LLP, 101 California Street, 5th Floor, San Francisco, California 94111-5800. On December 11, 2012 I served the documents described below in the manner described below:

1. PLAINTIFF WIKIMEDIA FOUNDATION INC.'S OBJECTION TO DEFENDANT INTERNET BRANDS INC.'S BELATED REPLY IN SUPPORT OF DEMURER

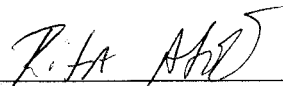
(BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Cooley LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by FEDEX for overnight delivery.

(BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of Cooley LLP for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be prepared in PDF and then served by electronic mail to the parties listed below.

on the following part(ies) in this action:

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Executed on December 11, 2012, at San Francisco, California.



Rita Atie