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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EPIDEMIC SOUND, AB,
Plaintiff,
v.
META PLATFORMS, INC.,
Defendant.

Case No. [22-cv-04223-JSC](#)

ORDER ON MOTION TO DISMISS

Re: Dkt. No. 29

Epidemic Sound (“Plaintiff”) brings this lawsuit for copyright infringement against Meta Platforms (“Defendant”). (Dkt. No. 1.)¹ Defendant moves to dismiss for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). (Dkt. No. 29.) In the alternative, Defendant moves for a more definite statement under Rule 12(e). (*Id.*) After carefully considering the briefing submitted, the Court concludes oral argument is unnecessary, *see* Civ. L.R. 7-1(b), vacates the hearing scheduled for December 1, 2022, GRANTS the request for judicial notice, and DENIES Defendant’s motion.

The complaint provides “fair notice of what the . . . claim is and the grounds upon which it rests,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (cleaned up), and Plaintiff pleads “factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged,” *Ashcroft v. Iqbal*, 556 U.S. 662, 663 (2009). Moreover, Defendant’s motion improperly relies on materials outside the complaint—such as pre-suit investigations and Plaintiff’s website information. (Dkt. No. 29 at 14, 15 n.19.) An initial Case Management Conference is set for January 12, 2023 at 1:30 p.m. via Zoom video. A joint Case Management Statement is due one week in advance.

¹ Record citations are to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of the documents.

United States District Court
Northern District of California

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This Order disposes of Docket Nos. 29 and 30.

IT IS SO ORDERED.

Dated: November 28, 2022


JACQUELINE SCOTT CORLEY
United States District Judge