

1 Brett L. Gibbs, Esq. (SBN 251000)
Of Counsel to Prenda Law Inc.
2 38 Miller Avenue, #263
Mill Valley, CA 94941
3 415-325-5900
blgibbs@wefightpiracy.com

4 *Attorney for Plaintiff*

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6 IN THE UNITED STATES DISTRICT COURT FOR THE
7
8 CENTRAL DISTRICT OF CALIFORNIA

9
10 INGENUITY13 LLC,)
)
11 Plaintiff,)
)
12 v.)
)
13 JOHN DOE,)
)
14 Defendant.)

No. 2:12-cv-08333-ODW-JC
**PLAINTIFF’S NOTICE OF VOLUNTARY
DISMISSAL OF ACTION WITHOUT
PREJUDICE**

15 **NOTICE OF VOLUNTARY DISMISSAL OF ACTION WITHOUT PREJUDICE**

16
17 **NOTICE IS HEREBY GIVEN** that, pursuant to Federal Rule of Civil Procedure 41(a)(1),
18 Plaintiff voluntarily dismisses this action in its entirety without prejudice. The Court before which the
19 instant action presently sits has recently held that “[T]he Court is not convinced that that there is
20 no way of identifying John Doe through an IP address other than obtaining ISP subscriber
21 information—Plaintiff has presented nothing but argument suggesting that it is so.”¹ Plaintiff
22 maintains its contention that it is factually *impossible* to identify a John Doe through an IP address
23 without obtaining ISP subscriber information; as such, Plaintiff now dismisses this action without
24 prejudice in order to avoid the futility of attempting to litigate these cases under such circumstances.
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¹ *AF Holdings v. Doe*, No. 2:12-cv-06637-ODW-JC (C.D. Cal. January 25, 2013), Order Dismissing Case (ECF No. 21.)

1 In accordance with Federal Rule of Civil Procedure 41(a)(1), Defendant has neither filed an
2 answer to Plaintiff's Complaint, nor a motion for summary judgment. Dismissal under Federal Rule
3 of Civil Procedure 41(a)(1) is therefore appropriate.
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6 Respectfully Submitted,
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8 **DATED: January 28, 2013**

9 By: /s/ Brett L. Gibbs, Esq.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 28, 2013, all individuals of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document, and all attachments and related documents, using the Court's ECF system.

/s/ Brett L. Gibbs
Brett L. Gibbs, Esq.