

1 DARRYL M. WOO (CSB No. 100513)
2 TYLER G. NEWBY (CSB No. 205790)
3 ANJALI KUMAR (CSB No. 227075)
4 FENWICK & WEST LLP
5 275 Battery Street, Suite 1500
6 San Francisco, CA 94111
7 Telephone: (415) 875-2300
8 Facsimile: (415) 281-1350

9 Attorneys for Defendants
10 IRONPORT SYSTEMS, INC., and
11 SPAMCOP.NET, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 OPTINREALBIG.COM, LLC, a Nevada
16 Limited Liability Company,

17 Plaintiff,

18 v.

19 IRONPORT SYSTEMS, INC. dba
20 SPAMCOP.NET, INC., a Delaware
21 Corporation registered to do and doing
22 business in California and DOES 1
23 through 100, inclusive,

24 Defendants.

Case No. C-04-1687 (SBA)

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO DISMISS
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

25 Defendants SpamCop.Net, Inc. and IronPort Systems, Inc.'s Motion to Dismiss
26 Optinrealbig.com's ("Optinrealbig") Complaint pursuant to Federal Rule of Civil Procedure
27 12(b)(6) came before this Court on July 13, 2004. The Court, having considered the moving
28 papers and arguments of the parties, it is hereby ORDERED AND ADJUDGED as follows:

The Court grants Defendants' Motion to Dismiss with Prejudice Pursuant to Fed. R. Civ.
P. 12(b)(6). Defendant has failed to state a cause of action for which relief can be granted and
has failed to adequately plead the facts necessary to support their claims.

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1 Furthermore, the Court finds that SpamCop is immune from the allegations raised in Plaintiff's
2 Complaint pursuant to § 230 of the Communications Decency Act, 47 U.S.C. § 230. Given
3 Defendants' immunity, no amendments will cure the deficiencies of Plaintiff's complaint.

4 **IT IS SO ORDERED.**

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6 Dated: _____, 2004

7 **Hon. Sandra B. Armstrong**
8 **United States District Judge**

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FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO