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13 Attorneys for Plaintiff IconFind, Inc.

14 IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

15 ICONFIND, INC.,

16 Plaintiff,

17 v.

18 GOOGLE INC.,

19 Defendant.

Case No. 2:11-cv-00319-GEB-JFM

**NOTICE OF MOTION TO DISMISS
AND STRIKE**

DATE: MAY 2, 2011

TIME: 9:00 A.M.

PLACE: COURTROOM 10

JUDGE GARLAND E. BURRELL, JR.

21 **PLEASE TAKE NOTICE** that on May 2, 2011 at 9:00 a.m., or as soon thereafter as
22 counsel may be heard by the Honorable Garland E. Burrell, Jr., Plaintiff IconFind, Inc. will move
23 this Court for an Order dismissing Defendant Google Inc.'s ("Google") counterclaim of patent
24

1 invalidity (Count Two) pursuant to Rule 12(b)(6) and striking Google's corresponding
2 affirmative defense of patent invalidity (Second Defense) pursuant to Rule 12(f).

3 This motion is based upon this notice and motion, the memorandum in support, exhibits
4 thereto, all other records on file in this action, and such other matters as may properly come
5 before the Court.

6
7 Dated: April 1, 2011

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9 Respectfully submitted,

10 /s/ Brian E. Haan

11 WILKE, FLEURY, HOFFELT, GOULD &
12 BIRNEY, LLP

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24 **Attorneys for Plaintiff IconFind, Inc.**

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1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that on April 1, 2011 the foregoing

3 **NOTICE OF MOTION TO DISMISS AND STRIKE**

4 was filed with the Clerk of Court using the CM/ECF system, which will then send a notification
5 of such filing to the following counsel of record.

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10 **Attorneys for Defendant Google Inc.**

11 I certify that all parties in this case are represented by counsel who are CM/ECF participants.

12
13 /s/ Brian E. Haan
14 Attorney for Plaintiff

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26 JUDGE GARLAND E. BURRELL, JR.