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6 Attorneys for Defendants, The Board of Trustees of the California State University
 System and Robert A. Rauch

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 8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA

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 11 **MARKETING INFORMATION**
 12 **MASTERS, INC.,** a California
 corporation,

13 Plaintiff,

14 v.

15 **THE BOARD OF TRUSTEES OF THE**
 16 **CALIFORNIA STATE UNIVERSITY,**
 WHICH IS THE STATE OF
 CALIFORNIA ACTING IN ITS
 17 **HIGHER EDUCATION CAPACITY**
 (erroneously sued herein as THE
 18 **BOARD OF TRUSTEES OF THE**
CALIFORNIA STATE UNIVERSITY
 19 **SYSTEM, A PUBLIC ENTITY**
 ACTING THROUGH ITS
 20 **SUBDIVISION SAN DIEGO STATE**
UNIVERSITY); and **ROBERT A.**
 21 **RAUCH,** an individual,

22 Defendants.

) CASE NO. 06CV 1682 JAH JMA

) **NOTICE OF MOTION AND**
) **MOTION TO DISMISS SECOND**
) **AMENDED COMPLAINT**

) [Filed concurrently with Memorandum
 of Points and Authorities, Declaration of
 Jonathan Pink]

) ACTION FILED: August 18, 2006

) Hearing Date: 05/05/2008
) Time: 2:30 p.m.
) Dept: 11

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 24 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

25 PLEASE TAKE NOTICE that on May 5, 2008, at 2:30 p.m. in Courtroom 11
 26 of the above-entitled Court, located at Southern 940 Front Street, San Diego, CA
 27 92101-8900, defendants THE BOARD OF TRUSTEES OF THE CALIFORNIA
 28 STATE UNIVERSITY and ROBERT A. RAUCH (“Defendants”) will move to

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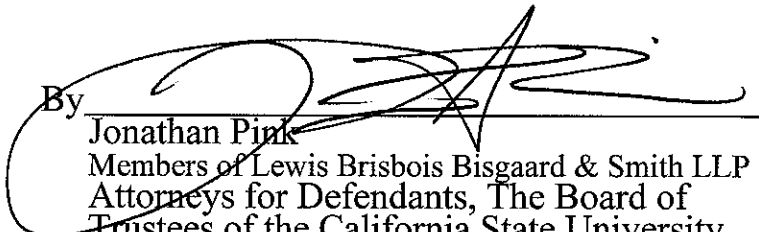
dismiss the Second Amended Complaint of plaintiff **MARKETING INFORMATION MASTERS INC.** ("MIM") pursuant to Fed. R. Civ. P. on the ground that same is barred in its entirety by the Eleventh Amendment of the United States Constitution. In addition, the supplemental state law claims should be dismissed under Fed. R. Civ. P. 12(b)(6) as they are preempted by Federal Copyright Law.

This Motion is will be based on this Notice, the Memorandum of Points and Authorities in support thereof, the files and records in this action, and such argument as may be heard.

DATED: March 13, 2008

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By 
Jonathan Pink
Members of Lewis Brisbois Bisgaard & Smith LLP
Attorneys for Defendants, The Board of Trustees of the California State University System and Robert A. Rauch