

7 Attorneys for Defendant  
FERRERO U.S.A., INC.

11 In re FERRERO LITIGATION

) Before: Hon. Marilyn L. Huff

1 **NOTICE OF MOTION AND MOTION TO DISMISS CONSOLIDATED COMPLAINT**  
2 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE that Defendant Ferrero U.S.A., Inc. ("Ferrero") hereby moves under  
4 Federal Rule of Civil Procedure 12(b)(6) for an order dismissing the "Master Consolidated  
5 Complaint" (Dkt No. 14). The motion is made on the ground that the Complaint herein fails to  
6 state any claim upon which relief can be granted. Ferrero's motion is based upon this Motion,  
7 the supporting Memorandum of Points and Authorities, the accompanying Declaration of Amir  
8 Steinhart and the exhibits thereto, all filed herewith, and such other matters from the records and  
9 files in this action as may come before the Court at the hearing hereof.

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11 Dated: April 18, 2011

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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14 By: /s/ Dale R. Bish

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16 Attorneys for Defendant Ferrero U.S.A., Inc.  
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