

1 **NOTICE OF MOTION AND MOTION TO DISMISS CONSOLIDATED COMPLAINT**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 NOTICE IS HEREBY GIVEN that on August 29, 2011, at 10:30 a.m. or as soon thereafter as
4 counsel may be heard, in Courtroom 13 of the United States District Court for the Southern
5 District of California, located at 940 Front Street, San Diego, California, 92101, Defendant
6 Ferrero U.S.A., Inc. (“Ferrero”) will and hereby does move under Federal Rule of Civil
7 Procedure 12(b)(6) for an order dismissing the “First Amended Consolidated Complaint” (Dkt
8 No. 45). Ferrero’s motion is based upon this Motion, the supporting Memorandum of Points and
9 Authorities, filed herewith, and such other matters from the records and files in this action as
10 may come before the Court at the hearing hereof.

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12 Dated: July 18, 2011

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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By: /s/ Colleen Bal
Colleen Bal

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

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