IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

MARKET AMERICA, INC.,)
)
Plaintiff,)
)
vs.) Civil Action No. 1:09-cv-00494-GMS
)
GOOGLE INC. and)
LTECH CONSULTING, LLC,)
)
Defendants.)

REPLY STATEMENT OF DEFENDANT GOOGLE INC. IN SUPPORT OF ITS MOTION TO DISMISS

On August 31, 2009, defendants Google Inc. ("Google") and LTech Consulting, LLC filed motions to dismiss. On September 30, 2009, plaintiff Market America, Inc. filed an Amended Complaint and a Combined Answering Brief of Plaintiff Market America, Inc. in Opposition to Defendant Google, Inc. and Defendant LTech Consulting, LLC's Motions to Dismiss.

Because Market America has filed an Amended Complaint, Google's August 31

Motion to Dismiss is moot and is therefore withdrawn. Google will respond to Market

America's Amended Complaint in accordance with the Federal Rules of Civil Procedure and the Court's local rules.

Respectfully submitted,

OF COUNSEL:

Amy B. Ginensky
Andrea Toy Ohta
PEPPER HAMILTON LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
Tel: (215) 981-4000
Fax: (215) 981-4750

Fax: (215) 981-4750 ginenskya@pepperlaw.com toyohtaa@pepperlaw.com /s/ Maria L. Panichelli

M. Duncan Grant (Del. Bar No. 2994)
Maria L. Panichelli (Del. Bar No. 5047)
PEPPER HAMILTON LLP
Hercules Plaza, Suite 5100
1313 N. Market Street
P.O. Box 1709
Wilmington, DE 19899-1709

Tel: (302) 777-6500 Fax: (302) 421-8390 grantm@pepperlaw.com panichellim@pepperlaw.com

Dated: October 15, 2009 Attorneys for Defendant Google Inc.

CERTIFICATE OF SERVICE

I, Maria L. Panichelli, hereby certify that on October 15, 2009 a true and correct copy of the foregoing Reply Statement of Defendant Google Inc. in support of its Motion to Dismiss was filed with the Clerk of Court using CM/ECF, which will send notification to the following counsel of record:

Matthew F. Lintner Richard K. Herrmann Morris James LLP 500 Delaware Avenue, Suite 1500 Wilmington, DE 19801

Attorney for Plaintiff Market America, Inc.

Michael F. Bonkowski Cole, Schotz, Meisel, Forman & Leonard, P.A. 500 Delaware Avenue, Suite 1410 Wilmington, DE 19801

Attorney for Defendant LTech Consulting, LLC

/s/ Maria L. Panichelli Maria L. Panichelli (#5047)