

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

DEFENDANT GOOGLE INC'S MOTION TO DISMISS
COUNTS I, II, AND III OF THE AMENDED COMPLAINT

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant
Google Inc. moves to dismiss Counts I, II, and III of the Amended Complaint with prejudice for
the reasons set forth in the accompanying Opening Brief in Support of its Motion to Dismiss.

Respectfully Submitted,

/s/ Maria L. Panichelli

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
ginenskya@pepperlaw.com
toyohata@pepperlaw.com

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 19, 2009

Attorneys for Defendant Google Inc.

**CERTIFICATE OF SERVICE**

I, Maria L. Panichelli, hereby certify that on October 19, 2009 a true and correct copy of Defendant Google Inc.'s Motion to Dismiss Counts I, II, and III of the Amended Complaint 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)