UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

MARKET AMERICA, INC.

Civil Action No.: 1:09-cv-00494-GMS

Plaintiff,

:

v.

GOOGLE INC. and LTECH CONSULTING, LLC,

JURY TRIAL DEMANDED

Defendants.

LTECH CONSULTING, LLC'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 LTech Consulting, LLC moves to dismiss Counts I, II and III of the Amended Complaint with prejudice for the reasons set forth in the Opening Brief of co-defendant Google Inc., in which LTech Consulting, LLC joins, by its Notice of Joinder and Opening Memorandum in Support of its Motion to Dismiss Counts I, II and III of the Amended Complaint, filed contemporaneously herewith.

COLE, SCHOTZ, MEISEL, FORMAN & LEONARD, P.A.

Michael F. Bonkowski (Nd. 2219)

500 Delaware Avenue, Suite 1410

Wilmington, DE 19801 (302) 651-2002 (Phone)

(302) 652-3117 (Fax)

 $\underline{mbonkowski@coleschotz.com}$

and

Peter J. Frazza (Admitted Pro Hac Vice) Donald P. Jacobs (Admitted Pro Hac Vice) BUDD LARNER, P.C. 150 John F. Kennedy Parkway Short Hills, NJ 07078 (973)379-4800 (Phone) (973)379-7734 (Fax)

Attorneys for Defendant, LTech Consulting, LLC

DATED: October 19, 2009

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2009, I electronically filed LTECH CONSULTING, LLC'S MOTION TO DISMISS COUNTS I, II AND III OF THE AMENDED COMPLAINT with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Matthew F. Lintner Morris James LLP 500 Delaware Avenue, Suite 1500 Wilmington, DE 19801 M. Duncan Grant Maria L. Panichelli PEPPER HAMILTON LLP Hercules Plaza, Suite 5100 1313 N. Market Street P.O. Box 1709 Wilmington, DE 19899-1709

I hereby certify that on October 19, 2009, I have mailed by United States Postal Service, the document(s) to the following non-registered participants:

Amy B. Ginensky Andrea Toy Ohta PEPPER HAMILTON LLP 3000 Two Logan Square Eighteenth and Arch Streets Philadelphia, PA 19103-2799

COLE, SCHOTZ, MEISEL, FORMAN & LEONARD, P.A.

Michael F. Bonkowski (No. 2219) 500 Delaware Avenue, Suite 1410

Wilmington, DE 19801 (302) 651-2002 (Phone) (302) 652-3117 (Fax)

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