

**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.	)	

**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  
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

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

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)