

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CAMBRIDGE UNIVERSITY
PRESS, *et al.*,

Plaintiffs,

v.

MARK P. BECKER, in his official
capacity as Georgia State University
President, *et al.*,

Defendants.

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Case No. 1:08-CV-1425-ODE

DEFENDANTS’ MOTION TO DISMISS
UNDER RULES 12(b)(1) AND 12(c)

COME NOW all Defendants in this action and file this Motion to Dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(c). Plaintiffs Cambridge University Press; Oxford University Press, Inc.; and SAGE Publications, Inc.’s (collectively, “Plaintiffs”) copyright infringement claims against the Board of Regents of the University System of Georgia and Georgia State University Administrators (collectively, “Defendants”) in their official capacities fail for want of subject matter jurisdiction under Rule 12(b)(1) and on the pleadings under Rule 12(c).

WHEREFORE, for all the reasons stated in Defendants' Memorandum in Support of Their Motion to Dismiss Under Rules 12(b)(1) and 12(c), Defendants hereby move for dismissal of Plaintiffs' Complaint.

A proposed order is attached for the Court's consideration.

Respectfully submitted this 4th day of November, 2010.

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CERTIFICATE OF COMPLIANCE

I hereby certify, pursuant to L.R. 5.1B and 7.1D of the Northern District of Georgia, that the foregoing DEFENDANTS' MEMORANDUM IN SUPPORT OF THEIR MOTION TO DISMISS UNDER RULES 12(b)(1) AND 12(c) complies with the font and point selections approved by the Court in L.R. 5.1B. The foregoing pleading was prepared on a computer using 14-point Times New Roman font.

/s/ Katrina M. Quicker

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Civil Action No.
1:08-CV-1425-ODE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this 4th day of November, 2010, I have electronically filed the foregoing DEFENDANTS' MOTION TO DISMISS UNDER RULES 12(b)(1) AND 12(c) with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

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