

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VULCAN GOLF, LLC,)	
Individually and on behalf of all)	
others similarly situated,)	
)	
Plaintiff,)	Case No. 07 CV 3371
v.)	
)	Judge Charles P. Kocoras
GOOGLE INC., OVERSEE.NET,)	
SEDO LLC, DOTSTER, INC.,)	Magistrate Judge Geraldine Soat Brown
AKA REVENUEDIRECT.COM,)	
INTERNET REIT, INC. d/b/a)	
IREIT, INC., and JOHN DOES I-X,)	
)	
Defendants.)	

DEFENDANT OVERSEE.NET'S MOTION TO DISMISS

Defendant Oversee.net, Inc. ("Oversee"), by and through its attorneys, hereby moves this honorable Court to dismiss Plaintiff Vulcan Golf, LLC's Complaint with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6).

1. Plaintiff's Complaint consists of twelve (12) counts against Oversee and its co-defendants, alleging the following: RICO violations of 18 U.S.C. § 1962(c) (Count I); RICO violations of 18 U.S.C. § 1962(d) (Count II); cybersquatting in violation of 15 U.S.C. § 1125(d) (Count III); trademark infringement in violation of 15 U.S.C. § 1141(1) (Count IV); false designation of origin in violation of 15 U.S.C. § 1125(a) (Count V); dilution in violation of 15 U.S.C. § 1125(c) (Count VI); Illinois consumer fraud and deceptive business practices act under 815 ILCS 505/2, Illinois uniform deceptive trade practices act 815 ILCS 510/2, and similar or identical state statutes of the various states (Count VII); declaratory judgment (Count VIII); common law trademark violation (Count IX); contributory trademark infringement (Count X);

intentional interference with current and prospective economic advantage (Count XI); and unjust enrichment (Count XII).

2. Plaintiff's claims should be dismissed, pursuant to Federal Rule of Civil Procedure 12(b)(1), because Plaintiff is without standing to assert such claims. Plaintiff has not and cannot allege that it has been directly harmed by any illegal acts of Overseer.

3. Furthermore, Plaintiff's claims—counts I through XII—should be dismissed, pursuant to Federal Rule of Civil Procedure 12(b)(6), since Plaintiff fails to state a claim upon which relief may be granted. Moreover, Plaintiff's pleading failures cannot be cured as there are no facts that can be alleged to support its allegations against Overseer.

4. Accordingly, Plaintiff's complaint should be dismissed with prejudice for the reasons set forth herein and set forth fully in the accompanying Memorandum of Law in Support of Overseer.net's Motion to Dismiss as well as the motions of all co-defendants hereby adopted by Defendant Overseer where applicable.

For the foregoing reasons, Defendant Overseer respectfully requests that this Court dismiss Counts I through XII of Plaintiff's Complaint with prejudice.

Respectfully submitted,

OVERSEE.NET, INC.

Dated: August 17, 2007

By: s/ Janelle M. Carter
One of their Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2007, a true and correct copy of the foregoing was served in accordance with Rule 5, Federal Rules of Civil Procedure, on the following:

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