

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

LIMITNONE, LLC, a Delaware Limited
Liability Company,

Plaintiff,

v.

GOOGLE INC., a Delaware Corporation,

Defendant.

Case No. 08-cv-04178

Honorable Blanche M. Manning

PLAINTIFF'S MOTION FOR LEAVE TO FILE MOTION TO REMAND

Plaintiff LimitNone, LLC, by and through its attorneys, Kelley Drye & Warren LLP, respectfully moves this Court for leave to file its Motion to Remand, pursuant to the Court's standing orders, and states as follows in support thereof:

1. On July 23, 2008, Defendant Google Inc. ("Google") filed with the Court a Notice of Removal purporting to remove this case from the Circuit Court of Cook County, Illinois, County Department, Law Division, where it was rightly filed by Plaintiff LimitNone, LLC ("LimitNone").
2. Plaintiff's Complaint alleges two counts premised, respectively, on the Illinois Trade Secrets Act, 765 ILCS 1065/1-9 *et seq.*, (Count I), and the Illinois Consumer Fraud & Deceptive Business Practices Act, 815 ILCS 505/1 *et seq.*, (Count II). The Complaint does not assert a claim that arises under the Copyright Act of 1976 or any other federal statute. Defendant improperly removed the Complaint based on federal question jurisdiction, citing preemption of Plaintiffs Illinois Consumer Fraud and Deceptive Trade Practices Act claim by the Copyright Act, despite the fact that it is merely a defense and not a basis for removal under the facts of this case.

3. Consequently, Google's removal was improper and LimitNone now seeks leave to file its Motion to Remand this case to state court pursuant to 28 U.S.C. § 1447(c), on the grounds that this Court lacks subject matter jurisdiction.

4. Contemporaneous with this filing, counsel for LimitNone is providing counsel for Google with the requisite correspondence further explaining the bases for its Motion to Remand and will comply with the Court's standing orders in this regard.

5. Upon completion of the procedures set forth in the Court's standing orders, including meeting with counsel for Google regarding the Motion to Remand, LimitNone will advise the Court by proper notice that the aforementioned meeting has occurred and indicate whether LimitNone desires to proceed with filing its Motion to Remand.

6. Plaintiff respectfully requests that this Honorable Court grant it leave to file its Motion to Remand.

Dated: July 29, 2008

/s/ Caroline C. Plater

One of the Attorneys for Plaintiff,
LIMITNONE, LLC

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby deposes and states that she caused the foregoing *Notice of Motion* and *Plaintiff's Motion for Leave to File Motion To Remand* to be electronically filed with the Clerk of the Court on July 29, 2008, using the ECF system, and served on all parties via the ECF system, pursuant to LR 5.9, as to Filing Users and in accord with LR 5.5 as to any party who is not a Filing User or represented by a Filing User.

s/ Caroline C. Plater
Caroline C. Plater