

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

LIMITNONE LLC,)	Hon. Blanche Manning
)	
Plaintiff,)	Case No. 08-cv-4178
)	
vs.)	Magistrate Judge Cox
)	
GOOGLE INC,)	
)	
Defendant.)	

**DEFENDANT GOOGLE INC.’S MOTION TO DISMISS FOR IMPROPER VENUE
UNDER F.R.C.P. 12(b)(3) OR, IN THE ALTERNATIVE,
MOTION TO TRANSFER UNDER 28 U.S.C. § 1404(a)**

Defendant Google Inc. (“Google”) respectfully moves this Court to dismiss the claims of Plaintiff LimitNone, LLC (“LimitNone” or “Plaintiff”). In support of its Motion, Google submits the accompanying Memorandum of Law and states as follows:

1. This case concerns a dispute between LimitNone and Google, in which LimitNone alleges that Google misappropriated and copied LimitNone’s software program during the parties’ business relationship in 2007.
2. That business relationship was governed by written contracts containing mandatory forum selection clauses in which LimitNone agreed—not once, but twice—to bring any suit regarding any and all disputes arising from that relationship in the California courts.
3. Because LimitNone’s present suit was filed in Illinois, in violation of the two mandatory forum selection clauses to which LimitNone agreed, Google respectfully requests that this action be dismissed for improper venue pursuant to Fed. R. Civ. P. 12(b)(3). Alternatively, should the Court decline to dismiss this action for improper venue, the interests of justice warrant

transferring this action to the United States District Court for the Northern District of California pursuant to 28 U.S.C. § 1404(a).

WHEREFORE, for the reasons set forth in Google's Memorandum of Law in Support hereof, Google respectfully requests that the Court dismiss this action for improper venue, or in the alternative, transfer this case to the United States District Court for the Northern District of California (San Jose Division).

DATED: July 30, 2008

Respectfully submitted,
GOOGLE INC.

By: /s/ Rachel M. Herrick
One of Its Attorneys

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CERTIFICATE OF SERVICE

I, Rachel M. Herrick, an attorney, certify under penalty of perjury that I caused a copy of the forgoing document to be served on all counsel of record via the Court's CM/ECF online filing system this 30th day of July, 2008.

/s/ Rachel M. Herrick