

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

GROUPON INC.,)	
)	Civil Action No. 10-CV-07456
PLAINTIFF,)	
)	Hon. William J. Hibbler
v.)	
MOBGOB LLC,)	
)	
DEFENDANT.)	
)	
)	
)	

**PLAINTIFF’S MOTION TO DISMISS DEFENDANT’S SECOND
COUNTERCLAIM**

Plaintiff, Groupon, Inc. (“Groupon”), by and through its attorneys, Dykema Gossett PLLC, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, moves to dismiss the Second Counterclaim Declaratory Judgment (Invalidity) (“Second Counterclaim”) of Defendant MobGob, LLC’s (MobGob) Answer To Groupon, Inc.’s Complaint For Patent Infringement And Damages And Counterclaims (“Answer & Counterclaim”) filed by MobGob. In support of this motion, Groupon states that the Second Counterclaim fails to state a claim upon which relief can be granted because the Answer & Counterclaim fails to plead sufficient facts to provide notice as to the grounds of the counterclaim and to show it to be facially plausible as required by Federal Rule of Civil Procedure 8(a). In further support of this motion, Groupon has filed simultaneously herewith Plaintiff’s Memorandum of Law in Support of its Motion

to Dismiss Defendant's Second Counterclaim, which is adopted and incorporated herein.

Dated: February 23, 2011

Respectfully submitted,

Groupon, Inc.

 s/ Kyle Davis
One of its Attorneys

Steven McMahon Zeller
SZeller@dykema.com

Kyle A. Davis
KDavis@dykema.com

Dykema Gossett PLLC
10 South Wacker Drive, Suite 2300
Chicago, Illinois 60606
Telephone: (312) 876-1700
Fax: (866) 562-8083

CERTIFICATE OF SERVICE

I, Kyle Davis, hereby certify that a copy of *Plaintiff's Motion to Dismiss Defendant's Second Counterclaim* was served upon the following persons:

Alexander C.D. Giza
Russ, August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025

David B.H. Williams
Williams, Bax & Saltzman, P.C.
221 N. LaSalle Street #3700
Chicago, Illinois 60601

Counsel for Defendant MobGob, LLC.

via the Court's CM/ECF system.

Dated: February 23, 2011

/s/ Kyle A. Davis
Kyle A. Davis