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

MIKE HARRIS and JEFF DUNSTAN, Individually and on behalf of a class of similarly Situated individuals,))))
Plaintiff,)) ()
V.) 1
COMSCORE, INC., a Delaware corporation,)
Defendant.)))

Case No. 1:11-5807 Hon. James F. Holderman

COMSCORE'S MOTION TO DISMISS UNDER RULES 12(B)(1) and 12(B)(6)

Defendant comScore, Inc. ("comScore") hereby moves pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure to dismiss this action in its entirety on the ground that: (1) Plaintiffs lack Article III standing and therefore subject matter jurisdiction is lacking pursuant to Rule 12(b)(1); and (2) Plaintiffs' Complaint fails to state a claim upon which relief may be granted, pursuant to Rule 12(b)(6). comScore respectfully submits that the Complaint should be dismissed with prejudice.

This motion is based on the concurrently-filed Memorandum of Law in support of comScore's Motion to Dismiss under Rules 12(b)(1) and 12(b)(6) and the Declaration of John O'Toole in Support Thereof.

comScore also requests that the Court hear oral argument on its Motion.

Dated: November 4, 2011

Respectfully submitted,

By: <u>/s/ Whitty Somvichian</u>

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Attorneys for Defendant comScore, Inc.

Certificate of Service

I hereby certify that on November 4, 2011, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notifications of such filings to the following:

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