

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

NERDS ON CALL, INC.,

Plaintiff,

vs.

INTERNET BILLING SERVICES, INC., and
RYAN ELDRIDGE, Individually,

Defendants.

Case No.: 1:07-cv-0535-DFH-TAB

DEFENDANTS' MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(b)(2), 12(b)(3), and 12(b)(5), Defendants move the Court to dismiss the complaint filed by Plaintiff, Nerds on Call, Inc. As explained in the accompanying brief in support of the motion to dismiss, this Court lacks personal jurisdiction over Defendants due to their lack of the necessary minimum contacts with Indiana. For similar reasons, venue is improper. Finally, Plaintiff failed to adequately serve Defendants with the complaint and summons. Consequently, the complaint must be dismissed.

Respectfully submitted,

/s/ Jonathan G. Polak

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Counsel for Defendants, Nerds on Call, Inc.,
incorrectly named as a Defendant in this suit as
Internet Billing Services, Inc. and Ryan Eldridge,
Individually

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was filed electronically on October 15, 2007. Notice of this filing will be sent to the following counsel by operation of the Court's electronic filing system.

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/s/ Jonathan G. Polak

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