

IN THE UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

RECORDED BOOKS, LLC

Plaintiff/Counter  
Defendant,

OCLC ONLINE COMPUTER LIBRARY  
CENTER, INC. d/b/a NETLIBRARY,

Defendant/Counter  
Plaintiff.

Case No. 07 CV 1427 (DKC)

**UNOPPOSED MOTION FOR ORDER ACCEPTING NETLIBRARY'S  
FIRST AMENDED COUNTERCLAIMS FOR FILING**

Defendant and Counterclaimant OCLC Online Computer Library Center, Inc. d/b/a NetLibrary ("NetLibrary"), by its undersigned attorneys, requests an order of the Court accepting its First Amended Counterclaims for filing and states as follows:

1. NetLibrary submits its First Amended Counterclaims pursuant to F.R.C.P. 15(a), which provides that "[a] party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served."
2. On June 19, 2007, NetLibrary filed its Answer and its Counterclaims in response to Plaintiff Recorded Books, LLC's ("Recorded Books") Complaint.
3. Recorded Books has not filed a responsive pleading to NetLibrary's Counterclaims. Therefore, NetLibrary may file its First Amended Counterclaims as a matter of course.
4. Rather than file a responsive pleading, Recorded Books filed a Motion for More Definite Statement on July 12, 2007.

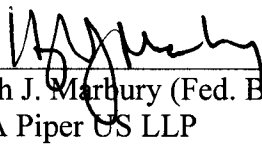
5. The parties agreed that NetLibrary would amend its counterclaims and, once the amended counterclaims were filed, that no response to the Motion for More Definite Statement would be necessary.

6. Accordingly, to the extent that Recorded Books' consent is required by Local Rule 103(d), counsel for Recorded Books does consent to the filing of NetLibrary's First Amended Counterclaims.

7. Pursuant to Local Rule 103(6)(a) and (c), NetLibrary attaches as Exhibit A a clean copy of its First Amended Counterclaims and, as Exhibit B, a redlined version of its original Counterclaims.

WHEREFORE, Defendant and Counterclaimant NetLibrary respectfully requests an order of the Court accepting its First Amended Counterclaims for immediate filing.

Dated this 14<sup>th</sup> day of August, 2007.

  
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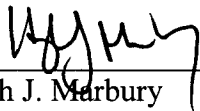
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(*Pro hac vice*)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 14<sup>th</sup> day of August, 2007, a true and correct copy of the foregoing **UNOPPOSED MOTION FOR ORDER ACCEPTING NETLIBRARY'S FIRST AMENDED COUNTERCLAIMS FOR FILING** was filed and served electronically as follows:

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