

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

---

TREK BICYCLE CORPORATION,

Plaintiff,

v.

Case No. 08-CV-198 (BBC)

LEMOND CYCLING, INC.,

Defendant.

---

**DEFENDANT’S MOTION TO DISMISS OR,  
IN THE ALTERNATIVE, TO TRANSFER VENUE**

---

Defendant LeMond Cycling, Inc. (“LeMond Cycling”), respectfully moves this Court for an Order dismissing the Complaint in the above-entitled action with prejudice; or, in the alternative, transferring the above-entitled action to the United States District Court for the District of Minnesota pursuant to 28 U.S.C. § 1404(a) and the Court’s inherent power to transfer or dismiss actions to avoid wasteful or repetitive litigation. The grounds for this motion are that the above-entitled action is duplicative of an earlier action pending in the District of Minnesota, and may, therefore, properly be dismissed, or in the alternative, transferred to the District of Minnesota where it can be consolidated with pending litigation. The grounds are set forth in

further detail in the Memorandum of Law and Declarations filed by LeMond Cycling, Inc. in support of this motion and the record in this case.

DATED: June 12, 2008

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

By s/Denise S. Rahne  
Christopher W. Madel (#23097)  
Denise S. Rahne (#331314)

2800 LaSalle Plaza  
800 LaSalle Avenue  
Minneapolis, MN 55402-2015  
(612) 349-8500

GODFREY & KAHN S.C.  
Todd G. Smith  
Linda S. Schmidt  
One East Main Street, Suite 500  
Post Office Box 2719  
Madison, WI 53701-2719  
Telephone: (608) 284-2653  
Facsimile: (608) 257-0609  
tsmith@gklaw.com

ATTORNEYS FOR DEFENDANT