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NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Declaration of Shawn Patrick Regan, counsel for Defendant Google Inc., ("Defendant") dated November 8, 2004, with exhibits thereto, the Memorandum of Law in Support of Defendant's Motion to Dismiss the Complaint and all prior pleadings and proceedings had herein, Defendant will move this Court for an order dismissing the complaint before the Honorable Norman A. Mordue on Wednesday, December 15, 2004, at 10:00 a.m. and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York November 8, 2004

HUNTON & WILLIAMS LLP

By: /s/ Shawn Patrick Regan Shawn Patrick Regan, Esq. N.D.N.Y. Bar No. 510638 HUNTON & WILLIAMS LLP 200 Park Avenue, 43rd Floor New York, NY 10166-0136 Telephone: (212) 309-1000

Attorneys for Google Inc.

TO: Edmund J. Gegan, Esq. Rescuecom 2560 Burnet Avenue Syracuse, New York 13206 (315) 432-8800

Counsel for Plaintiff Rescuecom Corporation

DECLARATION OF SERVICE

Raymond E. Galbraith, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that:

I am a Litigation Paralegal at the firm of Hunton & Williams LLP, attorneys for Defendant Google, Inc.

That on November 8, 2004, I served a true copy of the foregoing on counsel for Plaintiff, via electronic service, at the address listed below

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 8, 2004.

/s/ Raymond E. Galbraith Raymond E. Galbraith

TO: Edmund J. Gegan, Esq. Rescuecom 2560 Burnet Avenue Syracuse, New York 13206 (315) 432-8800 Email: ed@rescuecom.com

Counsel for Plaintiff Rescuecom Corporation