

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JOHNSON & JOHNSON and JOHNSON & JOHNSON CONSUMER COMPANIES, INC.,

Plaintiffs,

v.

THE AMERICAN RED CROSS, LEARNING CURVE INTERNATIONAL, INC., MAGLA PRODUCTS, LLC, WATER-JEL TECHNOLOGIES, INC., and FIRST AID ONLY, INC.,

Defendants.

07 Civ. 7061 (JSR/DCF)

**NOTICE OF MOTION TO DISMISS**

**ECF CASE  
ELECTRONICALLY FILED**

**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE THAT upon the accompanying Defendants' Memorandum of Law in Support of Motion to Dismiss, and upon all prior pleadings and proceedings herein, Defendants hereby move this Court on Monday, October 29, 2007, at 11:00 a.m., before the Honorable Jed S. Rakoff, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order dismissing Counts One, Two, Four, Seven, and Eight of the First Amended Complaint in their entirety with prejudice for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and granting such other and further relief as the Court deems just and proper.

According to the schedule approved by the Court, Plaintiffs' opposition to this motion is due on October 8, 2007, and Defendants' reply is due on October 17, 2007. Oral argument has been set for October 29, 2007, at 11:00 a.m.

WHEREFORE, Defendants request an Order granting their motion to dismiss those portions of the First Amended Complaint that fail to state a cause of action and for any such further relief as this Court may deem just and proper.

Dated: September 20, 2007

Respectfully submitted,

HOGAN & HARTSON, L.L.P.

By: s/Jonathan L. Abram  
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Counsel for Defendants

**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that on the 20th day of September, 2007, I caused a true and correct copy of the foregoing to be served upon the following via the Court's ECF Notification System:

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s/ Jonathan L. Abram  
Jonathan L. Abram