

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THE HERSHEY COMPANY,
Plaintiff/Counterclaim Defendant,

v.

HOTTRIX LLC,
Defendant/Counterclaim Plaintiff.

No. 1:10-cv-1178-JEJ

JUDGE JOHN E. JONES III

CERTIFICATE OF NONCONCURRENCE

Pursuant to Rule 7.1 of the Rules of the United States District Court for the Middle District of Pennsylvania, the undersigned counsel for Plaintiff The Hershey Company sought the concurrence of counsel for Defendant Hottrix LLC in the foregoing Motion to Dismiss Amended Counterclaims and for Judgment on the Pleadings. Plaintiff's counsel was unable to reach Defendant's counsel by telephone. As a result, no concurrence was given.

/s/Harvey Freedenberg

Of Counsel for Plaintiff /
Counterclaim Defendant,
The Hershey Company

Dated: October 21, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and that the document is being served electronically upon counsel of record through the Court's electronic transmission facilities.

/s/ Harvey Freedenberg
Harvey Freedenberg

Of Counsel for Plaintiff/Counterclaim
Defendant The Hershey Company

October 21, 2010