

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

THE HERSHEY COMPANY,
Plaintiff/Counterclaim Defendant,

v.

HOTTRIX LLC,
Defendant/Counterclaim Plaintiff.

v.

VERSATILE SYSTEMS INC.,
Counterclaim Defendant.

No. 1:10-cv-1178-JEJ

JUDGE JOHN E. JONES III

**MOTION OF VERSATILE SYSTEMS INC. TO DISMISS
AMENDED COUNTERCLAIMS OF HOTTRIX LLC**

Counterclaim defendant Versatile Systems Inc. (“Versatile”) hereby moves pursuant to Rule 12(b)(6), Fed. R. Civ. P., to dismiss the Amended Counterclaims of Hottrix LLC (Dkt. No. 33). Versatile relies, in support of this application, upon this Motion, the pleadings in this action, and further upon the Declaration of Victoria Haje, dated October 20, 2010, and exhibits thereto filed by plaintiff / counterclaim defendant The Hershey Company (“Hershey”) (Dkt. No. 35), Hershey’s Motion to Dismiss Amended Counterclaims and for Judgment on the Pleadings (Dkt. No. 36) and Hershey’s accompanying Brief in Support of that motion (Dkt. No. 37), all of which Versatile joins and relies upon in full.

Dated: November 9, 2010

McNEES WALLACE & NURICK LLC

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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 Counterclaim Defendant Versatile Systems Inc. sought the concurrence of counsel for Counterclaim Plaintiff Hottrix LLC in the foregoing Motion to Dismiss Amended Counterclaim of Hottrix LLC.

/s/Harvey Freedenberg

Of Counsel for Counterclaim
Defendant, Versatile Systems Inc.

Dated: November 9, 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;
Counterclaim Defendant,
Versatile Systems Inc.

Dated: November 9, 2010