

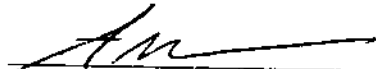
BABYAGE.COM, INC., :
 :
 Plaintiff, :
 :
 v. : CIVIL ACTION NO. 3:07-cv-01600-ARC
 :
 LEACHCO, INC., :
 :
 Defendant. :

NOW COMES the Plaintiff/Counterclaim Defendant BABYAGE.COM, INC. ("BabyAge"), through undersigned counsel, and for this, its Motion for Partial Summary Judgment, pursuant to Fed. R. Civ. P. 56(b), would respectfully state and show as follows:

1. The allegations of the counterclaims, taken together with the Court's memorandum opinion of September 18, 2008, establish that there are no material facts in dispute, and Plaintiff is entitled to judgment as a matter of law.
2. In accordance with L.R. 7.5, movant's memorandum will be filed with the Court within ten (10) days.
3. Attached hereto is a proposed order and movant's L.R. 56.1 Statement.

WHEREFORE it is respectfully moved that judgment be entered in favor of Plaintiff/Counterclaim Defendant and against Defendant/Counterclaim Plaintiff on the counterclaims, that the counterclaims be dismissed, and that Plaintiff/Counterclaim Defendant be awarded such other and additional relief as may be just and proper.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, ANDREW J. KATSOCK III, do hereby certify that copies of the foregoing documents were served on all opposing counsel this 26th day of September 2008, by mailing one to each of them, first-class postage prepaid, at the following addressees:

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

BABYAGE.COM, INC., :

Plaintiff, :

v. :

LEACHCO, INC., :

Defendant. :

CIVIL ACTION NO. 3:07-cv-01600-ARC

Judge Caputo

JUDGMENT

The above-entitled cause came on for hearing before this court on _____ on the motion of Plaintiff/Counterclaim Defendant, Babyage.com, Inc., for partial summary judgment, the Honorable A. Richard Caputo presiding. The issues were heard, and an order granting the motion has been made. Therefore,

It is adjudged that the counterclaims of Defendant/Counterclaim Plaintiff, Leachco, Inc. are hereby dismissed with prejudice.

SO ORDERED, this ____ day of _____, 2008.

s/ A. Richard Caputo
A. Richard Caputo
United States District Judge