

TABLE 1
ARGUMENTS FOR DISMISSAL BY COUNT

	<u>LACK OF JURISDICTION</u> (Rule 12(b)(1))		<u>FAILURE TO STATE A CLAIM</u> (Rule 12(b)(6))
	LACK OF STANDING	LACK OF RIPENESS	
Count One	¶¶ 56(a), (b), (c), (d), (e), (f), (g), (h), (j), (k), (l), (m), (n)	¶¶ 56(a), (b), (c), (d), (e), (f), (g), (h), (j), (k), (l), (m), (n)	
Count Two			ALL
Count Three	¶¶ 71(c), (e), (f)		

TABLE 2
BREAKDOWN OF COUNT ONE CLAIMS BY RULE

	LACK OF STANDING		LACK OF RIPENESS	
	Lack of Constitutional Standing	Lack of Prudential Standing	Unripe Because No Hardship	Unripe Because Not Fit for Judicial Resolution
Rule 78 (Continuing Applications)	¶¶ 56(b), (c), (d), (e), (f), (g), (h), (k), (l), (m), (n)	¶¶ 56(b), (f), (g), (h), (k), (l), (m), (n)	¶¶ 56(b), (c), (d), (e), (f), (g), (h), (k), (l), (m), (n)	¶¶ 56(b), (c), (d), (e), (f), (g), (h), (k), (l), (m), (n)
Rule 114 (Requests for Continued Examination)	¶ 56(j)	¶ 56(j)	¶ 56(j)	¶ 56(j)
Rule 75 (Claims)		¶ 56(a)	¶ 56(a)	