

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

RICHARD MINSKY, an individual, d/b/a
SLART ENTERPRISES,

Plaintiff,

v.

LINDEN RESEARCH, INC., d/b/a LINDEN LAB, a Delaware
corporation, JOHN DOE (a/k/a VICTOR VEZINA), an individual,
PHILIP ROSEDALE, an individual, MITCHELL KAPOR, an
individual, other DOES, presently unknown to Plaintiff,

Defendants.

NOTICE OF MOTION

08 - CV - 0819

LEK-DRH

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support the Motion to Dismiss of Defendants Mitchell Kapor and Philip Rosedale, defendants MITCHELL KAPOR, an individual, and PHILIP ROSEDALE, an individual, will move this court at a term thereof to be held at the United States Courthouse, 445 Broadway, Albany, New York on November 21, 2008, at 9:30 a.m. or as soon thereafter as counsel may be heard, for an order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing with prejudice the Amended Complaint against defendants Mitchell Kapor and Philip Rosedale.

Dated: October 10, 2008

COOLEY GODWARD KRONISH LLP

/s/ Janet L. Cullum

By: **Janet L. Cullum**

Admitted pro hac vice

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