

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Capitol Records, LLC; Caroline Records, Inc.; :
Virgin Records America, Inc.; EMI Blackwood :
Music, Inc.; EMI April Music, Inc.; EMI Full :
Keel Music, Inc.; EMI Virgin Music, Inc.; EMI : INDEX No. 08 CV 5831 (HB)
Robbins Catalog, Inc.; EMI Waterford Music, : ECF CASE
Inc.; EMI Grove Park Music, Inc.; Colgems- :
EMI Music, Inc.; and EMI Virgin Songs, Inc., : *Oral Argument Requested*
Plaintiffs, : **NOTICE OF MOTION**
vs. :
VideoEgg, Inc.; hi5 Networks, Inc.; and Does :
1-10., :
Defendants. :
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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Affidavit of Ramu Yalamanchi, executed on July 31, 2008, and Affirmation of Emma Terrell, executed on July 31, 2008, Defendant hi5 Networks, Inc., by its counsel Cooley Godward Kronish LLP, will move this Court before the Honorable Harold Baer, Jr., United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, on a date and time to be determined, for an order dismissing the Complaint in its entirety pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(3) or, alternatively, for an order transferring venue to the Northern District of California pursuant to 28 U.S.C. §§ 1404 and 1406.

Dated: New York, New York
July 31, 2008

Respectfully submitted,
COOLEY GODWARD KRONISH LLP

/s/ Janet L. Cullum
Janet L. Cullum (JLC-2083)
Emma Terrell (ET-1414)
1114 Avenue of the Americas
New York, NY 10036-7798
Phone: (212) 479-6000
Fax: (212) 479-6275

*Attorneys for Defendant
hi5 Networks, Inc.*

TO:

MITCHELL, SILBERBERG & KNUPP LLP
Christine Lepera
12 East 49th Street, 30th Floor
New York, New York 10017

-and-

Russell J. Frackman
Marc E. Mayer
11377 West Olympic Boulevard
Los Angeles, California 90064-1683

Attorneys for Plaintiffs

ORRICK, HERRINGTON & SUTCLIFFE LLP
Neel Chatterjee
Robert Ricketson
1000 Marsh Road
Menlo Park, CA 94025-1015

-and-

Lisa T. Simpson
666 Fifth Avenue
New York, NY 10103

Attorneys for Defendant VideoEgg, Inc.