

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DANIEL WALLACE,

Plaintiff,

v.

Case No. 1:05-cv-618-JDT-TAB

FREE SOFTWARE FOUNDATION, INC.,

Defendant.

MOTION TO DISMISS THE COMPLAINT

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Free Software Foundation Inc. ("FSF") moves to dismiss the Complaint with prejudice for the reason that the Complaint fails to state a claim against FSF upon which relief can be granted. With and in support of this Motion, FSF has filed a separate brief.

Respectfully submitted,

ICE MILLER

s/ Philip A. Whistler

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s/ Curtis W. McCauley

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Counsel for Defendant Free Software
Foundation, Inc.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the following by first-class United States mail, postage prepaid, this 22d day of June, 2005.

Daniel Wallace
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s/ Philip A. Whistler
Philip A. Whistler

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