

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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IN RE: DIGITAL MUSIC)	MDL Docket No. 06-md-1780 (LAP)
ANTITRUST LITIGATION)	
)	
	x	

**NOTICE OF MOTION TO DISMISS AND TO STRIKE PORTIONS OF PLAINTIFFS’
THIRD CONSOLIDATED AMENDED COMPLAINT**

PLEASE TAKE NOTICE THAT, upon the accompanying memoranda of law and the existing record in this case, defendants Bertelsmann, Inc., Sony Music Entertainment, Sony Corporation of America, EMI Group North America Inc., Capitol Records, LLC (doing business as EMI Music North America), Capitol-EMI Music, LLC, Virgin Records America, Inc., Time Warner Inc., UMG Recordings, Inc. and Warner Music Group Corporation hereby move this Court for an order (i) dismissing portions of the Third Consolidated Amended Complaint with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6) and, (ii) striking portions of the Third Consolidated Amended Complaint pursuant to Federal Rule of Civil Procedure 12(f).

DATED: June 23, 2010

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