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15 *Attorneys for Defendant ComicMix LLC*

16 **UNITED STATES DISTRICT COURT**  
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 **DR. SEUSS ENTERPRISES, L.P.,**

19 Plaintiff,

20 v.

21 **COMICMIX LLC; GLENN**  
22 **HAUMAN; DAVID JERROLD**  
23 **FRIEDMAN a/k/a DAVID**  
24 **GERROLD; and TY TEMPLETON,**

25 Defendants.

Case No. 3:16-cv-02779-JLS-BGS

**COMICMIX LLC'S NOTICE OF  
MOTION AND MOTION TO  
DISMISS PURSUANT TO FED. R.  
CIV. P. 12(b)(6)**

Assigned to Hon. Janis L. Sammartino  
United States District Judge

Hearing Date: March 16, 2017  
Hearing Time: 10:00 a.m.  
Hearing Place: Schwartz Courthouse,  
Courtroom 4A

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that defendant ComicMix LLC (“ComicMix”) will move and hereby does move the Court to dismiss this action for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6). This motion will be heard on March 16, 2017, at 10:00 am in Courtroom 4A of the Edward J. Schwartz United States Courthouse, located at 940 Front Street, San Diego, California 92101, before the Honorable Judge Sammartino.

1 The instant motion is based on this notice of motion and the memorandum of  
2 points and authorities in support hereof, the accompanying request for judicial notice  
3 and exhibits thereto, undersigned counsel's affidavit in support thereof, the papers  
4 on file in this matter, and on such other evidence or argument as the Court may  
5 consider in a hearing on this matter.

6  
7  
8 Respectfully submitted,

9 DATED: December 19, 2016

10  
11 BOOTH SWEET LLP

D'EGIDIO LICARI & TOWNSEND, APC

12  
13 /s/ Dan Booth

/s/ Michael Licari

14 Dan Booth  
15 *Pro Hac Vice Pending*

Michael Licari  
*Local Counsel*

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17 *Attorneys for Defendant ComicMix LLC*  
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21 **CERTIFICATE OF SERVICE**

22 I hereby certify that on this December 19, 2016 I electronically filed the  
23 foregoing document by using the Court's ECF system, thereby causing a true copy  
24 thereof to be served upon counsel of record for each party to have appeared to date,  
25 as identified on the Notice of Electronic Filing.

26  
27 /s/ Michael Licari  
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