

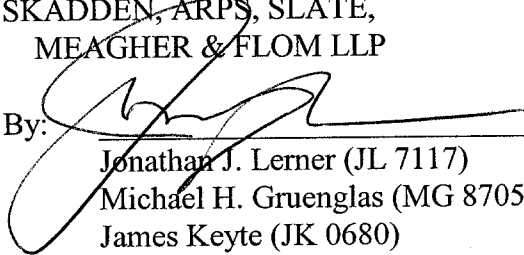


Motion to Dismiss the Sherman Act Claim in the Amended Complaint submitted herewith, and upon all prior pleadings and proceedings had herein, the JAKKS Defendants will, by and through their attorneys, move this Court before the Honorable Kenneth M. Karas at the United States Courthouse, 500 Pearl Street, New York, New York, at 12:00 p.m. on October 18, 2005, or as soon thereafter as counsel may be heard, for an order dismissing Plaintiffs' Sherman Act claim with prejudice and for such other and further relief as the Court deems just and proper.

Dated: September 19, 2005

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney duly admitted to practice law before this Court, hereby certifies under penalty of perjury, that on September 19, 2005, I caused true copies of the foregoing

- *Notice of Motion to Dismiss the Sherman Act Claim in the Amended Complaint*
- *Declaration of Jonathan J. Lerner in Support of the Motion to Dismiss the Sherman Act Claim in the Amended Complaint*
- *JAKKS Defendants' Memorandum of Law in Support of Their Motion to Dismiss the Sherman Act Claim in the Amended Complaint*

to be served upon the following parties by first-class mail:

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Dated: New York, New York  
September 19, 2005

s/ Michael H. Gruenglas  
Michael H. Gruenglas (MG 8705)