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October 12, 2005

MEMO ENDORSED

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VIA FAX

Honorable Kenneth M. Karas
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 920
New York, NY 10007

**Re: World Wrestling Entertainment, Inc. v. JAKKS Pacific, Inc., et al.
1:04-CV-08223-KMK**

Dear Judge Karas:

Pursuant to your Honor's endorsement order dated September 30, 2005, we respectfully request leave to file a sur-reply brief not exceeding ten pages in order to respond to new arguments made by Defendants relating to the enterprise issue. We do not intend to respond further on the Robinson-Patman issue or Mr. Shenker's arguments as those have now been adequately and fully briefed by the parties.

Specifically, the Defendants now argue that the Second Circuit has never rejected the so-called "ascertainable structure" requirement and has, in the words of Defendants, "openly embraced this requirement." Def. Reply p. 15, n.10. Indeed, Defendants now argue that the Second Circuit in the First Capital case embraced the holding of United States v. Anderson, 626 F.2d 1358 (8th Cir. 1980), which holding is set forth in footnote 10 to their brief. The Anderson case was not cited in the opening briefs on this matter. We believe this argument, which is central to the entirety of Defendants' arguments, is provably and demonstratively incorrect and we request the opportunity to so demonstrate to the Court.

If leave is granted, we would expect to be able to file the Sur-Reply not later than the close of business on October 19, 2005 so as not to disrupt the existing schedule.

Very truly yours,

JSM
Jerry S. McDevitt

Plaintiff may file its sur-reply no later than October 19, 2005. It may be up to 10 pages.

SO ORDERED

[Signature]
KENNETH M. KARAS U.S.D.J.
10/13/05

JSM/emw

cc: All Counsel of Record

PL-1452840 v1