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

PENGUIN GROUP (USA) INC.,

Plaintiff,

-against-

AMERICAN BUDDHA,
Defendant.

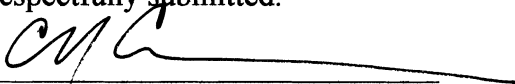
Case No. 09 CIV 00528 GEL

NOTICE OF MOTION TO DISMISS
FOR LACK OF PERSONAL
JURISDICTION

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, at a date and time to be determined by the Court, the undersigned attorney for Defendant American Buddha will move this Court before the Honorable Gerard E. Lynch, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure dismissing with prejudice the claims against it. Pursuant to Rule 6.1(b) of the Local Rules of the United States District Court for the Southern District of New York, any opposing affidavits and answering memoranda shall be served within ten business days after service of this motion.

Dated: March 9, 2009

Respectfully submitted:



Charles Carreon (California Bar # 127139)
Online Media Law, PLLC
(Admission Pro Hac Vice Pending)