


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DANIEL WALLACE,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:05-cv-618-JDT-TAB
)	
FREE SOFTWARE FOUNDATION, INC.,)	
)	
Defendant.)	

FSF'S REASSERTED MOTION TO DISMISS

Defendant, Free Software Foundation, Inc. ("FSF"), respectfully reasserts its prior Motion to Dismiss, which the Court granted as to Plaintiff's Third Amended Complaint, and moves the Court to dismiss, without prejudice and without leave to amend, Plaintiff's Fourth Amended Complaint, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for failure to state a claim upon which relief can be granted. With and in support of this Motion, FSF is concurrently filing a separate brief.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 29th day of December 2005, a copy of the foregoing has been deposited in the U.S. mail, first class postage prepaid, and sent by electronic mail addressed to:

Daniel Wallace
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Curtis W. McCauley

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