

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FOURKITES, INC.,)	
)	
<i>Plaintiff,</i>)	CASE NO. 1:16:-cv-02703-CAB
)	
<i>v.</i>)	JUDGE: CHRISTOPHER A. BOYKO
)	
MACROPOINT, LLC,)	DEFENDANT MACROPOINT LLC'S
)	MOTION TO DISMISS OR, IN THE
<i>Defendant.</i>)	ALTERNATIVE, TO STAY
)	

Defendant MacroPoint, LLC (“MacroPoint”), respectfully moves this Court for an order dismissing all of the claims asserted in the Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6). Plaintiff FourKites, Inc. (“FourKites”) fails to state any claim against MacroPoint on which relief can be granted as to its affirmative claims. Further, the Court lacks subject matter jurisdiction over FourKites’ declaratory judgment claims. Alternatively, MacroPoint moves for an order staying this action pending the outcome of earlier filed litigation involving MacroPoint’s patents that is now proceeding in another jurisdiction.

A Memorandum of Law in support of this Motion is attached.

Respectfully submitted,

/s/ Wayne M. Serra

Timothy J. Coughlin (0019483)

Thomas F. Zych (0019942)

Arthur P. Licygiewicz (0068458)

Wayne M. Serra (0074780)

THOMPSON HINE LLP

3900 Key Center

127 Public Square

Cleveland, Ohio 44114

Telephone: (216) 566-5500

Facsimile: (216) 566-5800

Tim.Coughlin@ThompsonHine.com

Tom.Zych@ThompsonHine.com

Art.Licygiewicz@thompsonhine.com

Wayne.Serra@thompsonhine.com

Attorneys for Defendant MacroPoint, LLC

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)	SUPPORT OF DEFENDANT
<i>Defendant.</i>)	MACROPOINT LLC’S MOTION TO
)	DISMISS OR IN THE ALTERNATIVE
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