

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

**DNAML PTY, LIMITED**

**Plaintiff,**

**v.**

**APPLE, INC.; HACHETTE BOOK GROUP, INC.; HARPERCOLLINS PUBLISHERS, L.L.C.; VERLAGSGRUPPE GEORG VON HOLTZBRINCK GMBH; HOLTZBRINCK PUBLISHERS, LLC d/b/a MACMILLAN; THE PENGUIN GROUP, A DIVISION OF PEARSON PLC.; and SIMON & SCHUSTER, INC.**

**Defendants.**

**13 Civ. 6516 (DLC)**

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law; the Declaration of Yehudah L. Buchweitz, dated September 18, 2015 and the documents submitted therewith; and the Local Rule 56.1 Statement of Undisputed Facts; Defendants Apple, Inc., Hachette Book Group, Inc., HarperCollins Publishers, L.L.C., Verlagsgruppe Georg von Holtzbrinck GmbH and Holtzbrinck Publishers, LLC d/b/a Macmillan, The Penguin Group, a Division of Pearson PLC, and Simon & Schuster, Inc. (collectively, "Defendants"), respectfully move this Court, before the Honorable Denise L. Cote, United States District Judge for the Southern District of New York, and the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting Defendants summary judgment and for such other and further relief as the Court deems appropriate.

Dated: New York, New York  
September 18, 2015

Respectfully submitted,

/s/ Yehudah L. Buchweitz

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**Defendants.**

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**CERTIFICATE OF SERVICE**

I, Robert S. Levine, an attorney, hereby certify and/or state on oath that the within Notice of Motion; Memorandum of Law; Declaration of Yehudah L. Buchweitz, dated September 18, 2015, and the documents submitted therewith; and the Local Rule 56.1 Statement of Undisputed Facts were served on all parties in the above-captioned action via electronic delivery on this 18th day of September, 2015.

          /s/ Robert S. Levine          

Robert S. Levine