

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

SHAMROCK MARKETING, INC.,

PLAINTIFF

V.

BRIDGESTONE BANDAG, LLC,

DEFENDANT.

CIVIL ACTION NO. 3:10-CV-74-H

BRIDGESTONE BANDAG, LLC'S MOTION TO DISMISS

Defendant, Bridgestone Bandag, LLC ("Bandag"), by counsel, pursuant to Fed. R. Civ. P. 12(b)(6), and for the reasons set forth in the accompanying memorandum in support, hereby moves to dismiss Plaintiff's Complaint in its entirety for failure to state a claim upon which relief can be granted.

/s/ O. Scott Barber

Philip W. Collier

Richard A. Vance

Oliver H. (Scott) Barber, III

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COUNSEL FOR DEFENDANT, BRIDGESTONE
BANDAG, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March, 2010, a true and correct copy of the foregoing motion, and tendered order, was filed with the Western District of Kentucky CM/ECF system, which will send electronic notice of filing to:

M. Stephen Pitt
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I further certify that the memorandum in support and exhibits have been filed under seal with the Clerk of Court, and that a true and copy of same was provided by e-mail to counsel of record as listed above.

/s/ O. Scott Barber

Oliver H. (Scott) Barber, III