

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**RECEIVED**

DEC 16 2011

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

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FEDERAL TRADE COMMISSION,  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Plaintiff

v.

Civil Action No. 1:11-cv-02239 RLW

GRACO INC.  
88 11th Avenue Northeast  
Minneapolis, MN 55413

**FILED UNDER SEAL**

ILLINOIS TOOL WORKS INC., and  
ILLINOIS TOOL WORKS FINISHING  
LLC,  
3600 West Lake Avenue  
Glenview, IL 60026

Defendants.

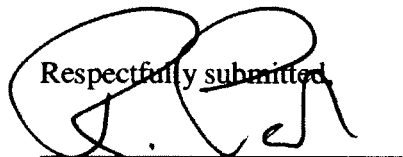
**MOTION**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on December 22, 2011 at 9:00 a.m., or as soon thereafter as counsel may be heard in the above-captioned Court, located at 333 Constitution Avenue, N.W., Washington, D.C. 20001, Defendant Graco Inc. ("Graco") will and hereby does move to dismiss the Complaint pursuant to Rules 12(b)(3) and (6) of the Federal Rules of Civil Procedure and 15 U.S.C. § 53(b) and to transfer this action pursuant to 28 U.S.C. §§ 1404(a) or 1406(a) to the United States District Court for the District of Minnesota. Pursuant to Local Rule 7(m) counsel have met and conferred regarding this Motion.

Defendant seeks dismissal of the Complaint based on this Motion, the attached Memorandum of Law, the accompanying declarations, such additional authority and argument as may presented in any Reply and at the hearing on this Motion, and such other matters of which this Court may take judicial notice.

DATED: December 16, 2011

 Respectfully submitted,

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Attorneys for Graco Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on December 16, 2011, I have caused the foregoing Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue and to Transfer Venue to be served by email upon Peter Richman and Mark Schneider of the Federal Trade Commission, 1800 M Street, N.W., Washington, D.C. 20036 and upon Richard Feinstein of the Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, counsel for Plaintiff; and upon J. Robert Robertson, Hogan Lovells US LLP, 555 13<sup>th</sup> Street, N.W., Washington, D.C. 20004, counsel for Illinois Tool Works Inc. and Illinois Tool Works Finishing LLC.



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