

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

ACHTE/NEUNTE BOLL KINO)	
BETEILIGUNGS GMBH & CO KG)	
)	
Plaintiff,)	
)	
v.)	CA. No. 1:10-cv-00453-RMC
)	
DOES 1 – 4,577)	
)	
Defendants.)	
)	

PLAINTIFF’S OPPOSITION TO MOTIONS TO DISMISS [DOC. NOS. 128, 132]

Plaintiff files this memorandum in opposition to a recently filed motions to dismiss [Doc. Nos. 128, 132] Plaintiff, the owner of the copyright of the motion picture “Far Cry,” filed this case for copyright infringement against various individuals who allegedly illegally downloaded and distributed the movie over the Internet. When the suit was filed, Plaintiff did not know the names of the alleged infringers but had identified the Internet Protocol (“IP”) addresses of the computers associated with the infringements. In order to discover the actual names of the Doe Defendants, Plaintiff subpoenaed the Internet Service Providers (“ISPs”) who provide service to the identified IP addresses, and the ISPs gave notice to their customers of the subpoena. Several of the individuals who received such notices have moved to quash the subpoena and dismiss the case based on lack of personal jurisdiction and misjoinder.

The Court has continually denied the motions to quash and motions for protective orders, but the motions to dismiss remain pending. [See Doc. Nos. 44, 45, and Minute Orders of 9/16/10 and 11/4/10] The only motions remaining, to which Plaintiff has not responded and that Plaintiff

is aware of, are two motions to dismiss, one filed by Jeffrey Colter Wallace [Doc. No. 128] and one filed by Holly A. Dam [Doc. No. 132].¹

In opposition to these motions, Plaintiff hereby submits and incorporates herein its previously filed opposition to several similar motions (Exhibit 1; Doc. No. 109) and its previously filed statement of good cause addressing the joinder issue (Exhibit 2; Doc. No. 29).

Respectfully Submitted,

ACHTE/NEUNTE BOLL KINO BETEILIGUNGS
GMBH & CO KG

DATED: November 9, 2010

By: /s/
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¹ Plaintiff's counsel also received another consolidated motion to quash/motion to dismiss in this case, but pursuant to the Court's minute order of November 4, 2010, that motion was not allowed to be filed because it did not include the name, address, and telephone number of the Doe Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2010, a true and correct copy of the foregoing PLAINTIFF'S OPPOSITION TO MOTIONS TO DISMISS [DOC. NOS. 128, 132] was sent via first-class mail to the following:

Jeffrey Colter Wallace
2855 Baker Rd.
Acworth, GA 30101
Moving Doe Defendant

Holly A. Dam
9043 South Howell Avenue
Oak Creek, WI 53154
Moving Doe Defendant

/s/ _____
Nicholas A. Kurtz