UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ORACLE AMERICA, INC.,	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil Action No. 2:12-cv-00550-CNC
LODSYS, LLC, and	)	
LODSYS GROUP, LLC	)	
	)	
Defendants	)	

DEFENDANTS LODSYS, LLC'S AND LODSYS GROUP, LLC'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, TRANSFER OR STAY

Pursuant to the first-to-file rule, defendants Lodsys, LLC and Lodsys Group, LLC (collectively, "Lodsys") hereby move, to dismiss or, in the alternative, transfer or stay this action in favor of the first-filed actions in the Eastern District of Texas. In addition, and also in the alternative, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, Lodsys moves to dismiss the "Second Claim for Relief" and "Sixth Claim for Relief" of plaintiff Oracle America, Inc.'s ("Oracle") Complaint for Declaratory Judgment (the "Complaint") for lack of subject matter jurisdiction. As permitted by Rule 12(b), Lodsys files this motion in lieu of an answer and without waiving its right to answer the allegations in Oracle's Complaint and assert any applicable defenses, affirmative defenses, and counterclaims.

The grounds for this motion are set forth fully in the accompanying Memorandum in Support of Defendants Lodsys, LLC's and Lodsys Group, LLC's Motion to Dismiss Or, in the Alternative, Transfer or Stay.

Dated this 27th day of July, 2012.

s/Aaron T. Olejniczak
Aaron T. Olejniczak (#1034997)
ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202
Telephone: 414-271-7590
Facsimile: 414-271-5770
E-mail: aarono@andruslaw.com

Michael A. Goldfarb
Christopher M. Huck
Kit W. Roth
KELLEY, GOLDFARB, GILL, HUCK & ROTH, PLLC
700 Fifth Avenue, Suite 6100
Seattle, WA 98104
Telephone: 206-452-0260
Facsimile: 206-397-3062
E-mail: goldfarb@kdg-law.com
huck@kdg-law.com
roth@kdg-law.com

Attorneys for Defendants