IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

P.S. PRODUCTS, INC., BILLY PENNINGTON, Individually, Plaintiffs v. ALIBABA.COM, INC., and ALIEXPRESS.COM, Defendants.	§ § § § § § § § § § § § § § § § §	NO. 4:10-cv-1149 JMM **ALIBABA.COM, INC.'S MOTION TO DISMISS THE COMPLAINT PURSUANT TO RULES 12(B)(2) AND 12(B)(6), AND, IN THE ALTERNATIVE, MOTION TO TRANSFER VENUE TO THE NORTHERN DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1404(A)**

Defendant Alibaba.com, Inc. hereby moves this Court to dismiss, and, in the alternative, to transfer venue to the Northern District of California, the Complaint of Plaintiffs' P.S. Products, Inc. and Billy Pennington. This motion is brought pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), as well as 28 U.S.C. § 1404(a) on the grounds that the Court does not have jurisdiction over Alibaba.com, Inc., that the Complaint fails to state a claim for which relief can be granted, and, in the alternative, that this matter should be transferred to the Northern District of California for the convenience of the parties. This motion is based upon this Notice of Motion and Motion, the attached Memorandum of Points and Authorities, the Declaration of Annie Jie Xu filed herewith, and all pleadings and papers on file, and such other matters that may be presented to the Court.

Dated: October 4, 2010

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By: /s/ Kevin A. Crass

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CERTIFICATE OF SERVICE

I, Kevin A. Crass, hereby certify that on October 4, 2010, the foregoing was electronically filed with the Clerk which shall send notification of such filing to the following:

- **Chris H. Stewart**
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/s/ Kevin A. Crass
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