IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

INTERMARK FABRIC CORPORATION, Plaintiff, v. MICROFIBRES, INC, Defendant.	Case No. 3:02-CV-1267 (AVC)

MOTION TO DISMISS COUNTS FIVE THROUGH EIGHT OF THE SECOND AMENDED COMPLAINT AND TO WITDRAW CERTAIN ORDERS AS MOOT

Now comes Plaintiff, Intermark Fabric Corporation, by its attorneys, and moves this Court to (1) enter an order dismissing the following Causes of Action in the Second Amended Complaint with prejudice and without costs to any party: (a) Fifth Cause of Action entitled Sherman Act Section 2 (15 U.S.C. Section 2) - Monopolization, (b) Sixth Cause of Action entitled Sherman Act Section 2 (15 U.S.C. Section 2) - Attempted Monopolization, (c) Seventh Cause of Action entitled Connecticut Antitrust Act, Conn. Gen, Stat. §35-24, et. seq. - Monopolization, and (d) Eighth Cause of Action entitled Connecticut Antitrust Act, Conn. Gen. Stat. §35-24, et. seq. - Attempted Monopolization, and (2) withdraw as moot the Endorsement Order granting Plaintiff, Intermark Fabric Corporation's motion to compel (Docket No. 157) entered on July 12, 2005 and the Endorsement Order granting Defendant, Microfibres, Inc.'s motion to compel (Docket No. 158) entered on July 12, 2005.

As grounds therefore, Plaintiff asserts that Causes of Action Five through Eight comprise state and federal antitrust claims and given the complexity of such claims, Plaintiff is financially unable to continue to prosecute the aforementioned Causes of Action. The two aforementioned

Endorsement Orders were based on two motions to compel, one filed by each party, and both of which were directed to the aforementioned Causes of Action. Consequently, with Causes of Action Five through Eight dismissed, the Endorsement Orders will be rendered as moot and should be withdrawn.

Respectfully submitted
Intermark Fabric Corporation

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion to Dismiss Counts Five Through Eight of the Second Amended Complaint and to Withdraw Certain Orders as Moot was served via regular mail on this 12th day of August, 2005 upon:

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