IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

VIRBAC CORPORATION,
3200 Meacham Boulevard
Ft. Worth, Texas 76137

Plaintiff,

v.

Case No. 1:05CV01128 (RMU)

CHANELLE PHARMACEUTICALS MANUFACTURING LTD.
Athenry Road, Loughrea
County Galway, Ireland

and

HARTZ MOUNTAIN CORPORATION
400 Plaza Drive
Secaucus, New Jersey 07094

and

MICHAEL BURKE
Athenry Road, Loughrea
County Galway, Ireland

and

VINAY TRIPATHI
Athenry Road, Loughrea
County Galway, Ireland

and

ALBERT AHN
43 Talbot Court
Short Hills, New Jersey 07078

and

IAN COTTRELL)
10 Spencer Road)
Basking Ridge, New Jersey 07920)
)
Defendants.)
)

DEFENDANTS THE HARTZ MOUNTAIN CORPORATION, ALBERT AHN AND IAN COTTRELL'S MOTION TO DISMISS OR TRANSFER FOR IMPROPER VENUE, OR ALTERNATIVELY, MOTION TO DISMISS COUNTS I, II AND III OF THE COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED

Defendants The Hartz Mountain Corporation, Albert Ahn and Ian Cottrell (collectively, the "Hartz Defendants"), by and through counsel, hereby move this Court, pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure, to dismiss the Complaint for improper venue. Alternatively, the Hartz Defendants move this Court, pursuant to 28 U.S.C. § 1406(a), to transfer the venue of this action to the United States District Court for the District of New Jersey, as the action could have been brought in such judicial district and such transfer would be in the interests of justice. Alternatively, the Hartz Defendants move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss Counts I, II and III of the Complaint with prejudice for failure to state a claim upon which relief can be granted.

In support of these Motions, the Hartz Defendants submit the accompanying memorandum of points and authorities and supporting declaration. Proposed orders are attached hereto.

AN ORAL HEARING ON THESE MOTIONS IS HEREBY REQUESTED.

Dated: September 30, 2005.

Respectfully submitted,



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Counsel for Defendants
The Hartz Mountain Corporation,
Albert Ahn and Ian Cottrell

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 2005, I caused a true and correct copy of the foregoing to be served by electronic mail on the following persons:

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