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KOCHAVA, INC.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO
NORTHERN (COEUR D’ALENE) DIVISION**

FEDERAL TRADE COMMISSION,)	CASE NO. 2:22CV-00377-BLW
)	
Plaintiff,)	Judge: Hon. B. Lynn Winmill
)	
vs.)	MOTION TO DISMISS
)	COMPLAINT PURSUANT TO
KOCHAVA INC.,)	FED. R. CIV. P. 12(b)(6)
)	
Defendant.)	
)	
)	

TO ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Defendant Kochava, Inc. (hereinafter “Kochava”) will and hereby does respectfully move this Honorable Court for an Order dismissing Plaintiff Federal Trade Commission’s (hereinafter “FTC”) Complaint for failure to state a claim upon which relief may be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6). Kochava moves the Court for an order dismissing the Complaint in its entirety, with prejudice.

Pursuant to the Local Rules of Civil Practice before the United States District Court for the District of Idaho, the Court will issue a notice of hearing for this Motion. Dist. Idaho L. Rule 7.1.

Pursuant to Judge B. Lynn Winmill’s Chambers Rules, on October 21, 2022, Kochava’s counsel met and conferred with counsel for the FTC regarding Kochava’s grounds for this

Motion. The parties were unable to reach agreement for the filing of an amended complaint, thus necessitating the filing of this Motion.

This Motion is supported by the Memorandum of Points and Authorities in Support of Kochava's Motion to Dismiss under Federal Rule of Civil procedure 12(b)(6), the Request for Judicial Notice and the pleadings on file.

Dated: October 28, 2022

Respectfully submitted,

By: /s/ Craig J. Mariam

Craig J. Mariam

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