

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION,  
  
Plaintiff,

v.

CELSIUS NETWORK INC., et al.,  
  
Defendants.

Civil Action No. 1:23-cv-6009-DLC

**NOTICE OF DEFENDANT ALEX MASHINSKY'S MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Alex Mashinsky's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), dated September 11, 2023, Defendant Alex Mashinsky, by his undersigned attorneys, moves this Court, at a date and time to be determined, for an Order dismissing Plaintiff's Complaint in its entirety, pursuant to Federal Rule of Civil Procedure 12(b)(6), and such other relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that response and reply papers are to be filed pursuant to Rule 6.1 of the Joint Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York.

Dated: September 11, 2023  
White Plains, New York

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