

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CONCORD MUSIC GROUP, INC., et. al.,

Plaintiffs,

v.

X CORP., D/B/A TWITTER,

Defendant.

Case No. 3:23-cv-00606

Hon. Aleta A. Trauger

DEFENDANT X CORP.’S MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant X Corp. (“X”) respectfully moves the Court for entry of an Order dismissing all claims against it with prejudice. As explained more fully in the accompanying Memorandum, the Court should grant this Motion:

First, the Court should dismiss Plaintiffs’ first count for direct copyright infringement because the Complaint does not contend that X acted with the requisite “volitional” conduct.

Second, the Court should dismiss Plaintiffs’ second count for contributory infringement because Plaintiffs do not allege that X encouraged, induced, or intended to foster the infringement of Plaintiffs’ works.

Third, the Court should dismiss Plaintiffs’ third count for vicarious infringement because Plaintiffs do not allege that the ability to post infringing content to the X platform is a draw to users sufficient to confer an “obvious and direct” financial benefit to X, or that X had the practical ability to supervise the alleged infringement.

Accordingly, for the reasons set forth in the accompanying Memorandum of Law and Declaration of Jessica A. Rose, the Court should dismiss the Complaint in its entirety.

Dated: August 14, 2023

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on August 14, 2023 with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties and counsel of record by operation of the Court's CM/ECF system.

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