

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

MYLAN PHARMACEUTICALS)	
INC. and MYLAN INC.,)	
)	
Plaintiffs,)	CIVIL ACTION NO. <u>1:09-cv-138</u>
)	
vs.)	Removed from
)	Monongalia County Circuit Court
PG PUBLISHING COMPANY,)	Civil Action No. 09-C-592
d/b/a Pittsburgh Post-)	
Gazette, PATRICIA)	
SABATINI, LEN BOSELOVIC,)	
JOHN DOE 1, JOHN DOE 2,)	
and JOHN DOE 3,)	
)	
Defendants.)	

**MOTION TO DISMISS AND
MEMORANDUM IN SUPPORT THEREOF
ON BEHALF OF DEFENDANTS
PATRICIA SABATINI AND LEN BOSELOVIC**

Now come Defendants Patricia Sabatini (hereinafter "Sabatini") and Len Boselovic (hereinafter "Boselovic"), who hereby move to dismiss Mylan Inc. and all claims of Mylan Inc. in this litigation.

As grounds for said motion, Defendants Sabatini and Boselovic state that Mylan Inc. does not own or possess any of the property or property rights which form the basis of each of

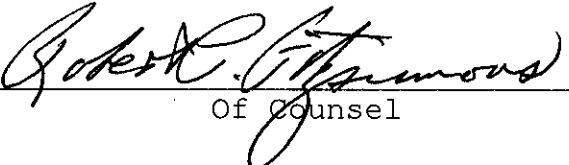
the alleged causes of action and therefore lacks standing to bring or assert said causes of action, and therefore the alleged causes of action of Mylan Inc. fail to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Defendants Sabatini and Boselovic incorporate herein the Motion to Dismiss and Memorandum in Support Thereof filed by and on behalf of PG Publishing Company, d/b/a Pittsburgh Post-Gazette.

Wherefore, Defendants Patricia Sabatini and Len Boselovic respectfully request that Mylan Inc. be dismissed as a plaintiff in this litigation and that defendants be awarded their costs and such fees as are permissible and for such further and general relief as the Court deems just and proper.

Respectfully submitted,

**PATRICIA SABATINI and
LEN BOSELOVIC**

By: 
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served upon the following through the Court's ECF System or by regular United States mail to non-ECF participants on the 25th day of September, 2009:

**PG Publishing Company,
d/b/a Pittsburgh Post-Gazette**
c/o Holly S. Bayhan Planinsic Esq.
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and

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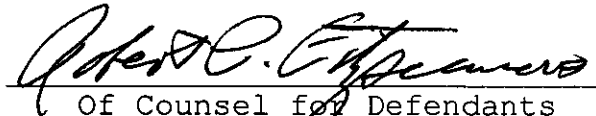
Mylan Pharmaceuticals Inc. and Mylan Inc.

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Patricia Sabatini and
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