

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Plaintiff,

-vs.-

PLATFORM SOLUTIONS, INC., and
T3 TECHNOLOGIES, INC.,

Defendants.

Civil Action No. 06 CV 13565 (LAK)

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT ON IBM'S
LAWFUL EXERCISE OF ITS
INTELLECTUAL PROPERTY
RIGHTS**

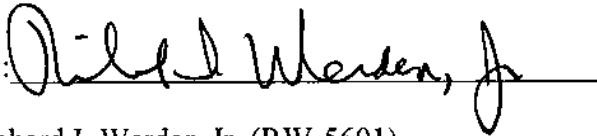
PLEASE TAKE NOTICE that upon the accompanying Declaration of Nicole R. German, sworn to on August 31, 2009, and the exhibits attached thereto; the accompanying Memorandum of Law; the accompanying Statement Of Material Facts As To Which There Is No Genuine Issue To Be Tried, pursuant to Local Rule 56.1; and all of the pleadings heretofore served in this action, the undersigned counsel will move this Court on behalf of Plaintiff International Business Machines Corporation (“IBM”), before the Honorable Lewis A. Kaplan, United States District Judge, on a date and time to be designated by this Court, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting IBM summary judgment on the grounds that IBM had no obligation to license its intellectual property to its competitors and that its refusal to license its operating systems was not an illegal tie, dismissing the Petition for Intervention and Complaint for Damages in this action with prejudice and granting IBM

summary judgment, and granting IBM such other and further relief as the Court may deem just, proper, and equitable.

Dated: August 31, 2009
New York, New York

Respectfully submitted,

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