

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

T-PEG, INC and)
TIMBERPEG EAST, INC.,)
Plaintiffs,)
)
vs.) No. 03-CV-462-M
)
VERMONT TIMBER WORKS, INC.,)
and DOUGLAS FRIANT,)
Defendants.)

DEFENDANTS’ MOTION FOR JUDGMENT ON THE PLEADINGS AS TO
 (1) INFRINGEMENT OF PLANS (AS OPPOSED TO “ARCHITECTURAL WORK”),
 (2) ISBITSKI DEPOSIT AGREEMENT, AND
(3) PREVIOUS DESIGNS/PLANS

Defendants, Vermont Timber Works, Inc. (“VTW”) and Douglas Friant (“Friant”) move under FRCP 12(c) for judgment on the pleadings in their favor and against plaintiffs, dismissing and striking (1) plaintiffs’ claims for infringement of plans; (2) any claims based on or arising out of the Isbitski Deposit Agreement; and (3) any claims based on or arising out various previous plans and/or designs (that is, before the 04/20/01 registered “architectural work”).

Defendants submit their separate memorandum, Exhibits 1 – 3, and authenticating affidavit, in support.

Assent from the opposing side has not been sought as this is a dispositive motion.

Date: June 26, 2007

VERMONT TIMBER WORKS, INC.
and DOUGLAS FRIANT, Defendants,

/s/ W. E. Whittington
W.E. Whittington

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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2007, I served the foregoing pleading on the following counsel of record, by causing it to be filed electronically via the CM/ECF filing system or mailed by first-class United States Mail, postage pre-paid, or in such other manner as may be indicated:

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/s/ W. E. Whittington
W.E. Whittington