

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.)	

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT
BASED ON PLAINTIFFS’ LACK OF STANDING

Defendants, Vermont Timber Works, Inc. (“VTW”) and Douglas Friant (“Friant”) respectfully move the Court under FRCP 56 for summary judgment on Counts II and VIII, the copyright claims (these are the sole remaining counts), on the grounds that, as a matter of law, (1) plaintiffs did not create, and are not the authors, or the architectural work which is subject of this action, (2) plaintiffs therefore are not owners of the copyright, and (3) plaintiffs lack standing to bring this action.

There is no genuine dispute as to any material fact and VTW is entitled to judgment on this issue.

Defendants submit their separate memorandum in support, including its Statement of Undisputed Facts, Exhibits 1 – 8, 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
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