

2. Under these circumstances, Long Bow's republication of the statements at issue was protected by the reputable news source privilege and the fair report privilege. These privileges foreclose Plaintiffs' defamation claims.

3. Even apart from these privileges, Plaintiffs have failed to alleged facts sufficient to allege falsity, defamatory meaning, or fault as required to state a claim for defamation.

4. Plaintiffs have similarly failed to state any trademark claim. As a preliminary matter, Plaintiff has failed to alleged trademark "use" within the meaning of the Lanham Act. In addition, Long Bow's references to Jenzabar on its website constitute protected fair use. Finally, there is no likelihood of confusion because no reasonable viewer of these allegedly disparaging comments would believe that they emanated from, or were endorsed by, Plaintiffs. As a result, Plaintiffs have failed to state any trademark claim under federal or state law.

5. The grounds for the present motion are set forth more fully in the accompanying memorandum of law served and filed concurrently herewith.

WHEREFORE, Defendant Long Bow Group, Inc. respectfully requests that the Court dismiss all counts of the Complaint and grant such further relief as is meet and just.

Dated: October 2, 2007

Respectfully submitted,

LONG BOW GROUP, INC.

By its attorneys,



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CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by ~~mail~~ by hand

Date: 10/2/07 Matthew N Kane