

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**IN RE: IBM ARBITRATION  
AGREEMENT LITIGATION**

No. 1:21-CV-6296 (JMF)

**NOTICE OF DEFENDANT INTERNATIONAL BUSINESS MACHINES  
CORPORATION'S RULE 12(B)(6) MOTION TO DISMISS**

PLEASE TAKE NOTICE that Defendant International Business Machines Corporation ("IBM"), by and through its undersigned counsel, moves this Court before the Honorable Jesse M. Furman, United States District Court Judge, Southern District of New York, at the United States Courthouse, 40 Centre Street, Room 2202, for an Order dismissing each Plaintiff's complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. IBM's motion is based upon the accompanying Consolidated Memorandum of Law, dated November 8, 2021.

Date: November 8, 2021  
New York, New York

Respectfully submitted,

*s/ Matthew W. Lampe*

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*Attorney for Defendant  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 8, 2021, I caused the foregoing to be filed with the Clerk of Court and served upon all counsel of record via the CM/ECF system.

/s/ Matthew W. Lampe  
Matthew W. Lampe