



Nov 13 2007
3:17PM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE INITIAL PUBLIC OFFERING
SECURITIES LITIGATION

Master File No. 21 MC 92 (SAS)

THIS DOCUMENT RELATES TO

IN RE CORVIS CORP. INITIAL PUBLIC
OFFERING SECURITIES LITIGATION

No. 01 Civ. 3857

IN RE FIREPOND, INC. INITIAL PUBLIC
OFFERING SECURITIES LITIGATION

No. 01 Civ. 7048

IN RE IXL ENTERPRISES, INC. INITIAL
PUBLIC OFFERING SECURITIES
LITIGATION

No. 01 Civ. 9417

IN RE SYCAMORE NETWORKS, INC.
INITIAL PUBLIC OFFERING SECURITIES
LITIGATION

No. 01 Civ. 6001

IN RE VA SOFTWARE CORP. F/K/A VA
LINUX, INC. INITIAL PUBLIC OFFERING
SECURITIES LITIGATION

No. 01 Civ. 242

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Issuer Defendants' Motion to Dismiss the Second Consolidated Amended Complaints, dated November 13, 2007, and the Declaration of Joel C. Haims, Esq. with exhibits appended thereto, executed November 12, 2007, the undersigned hereby jointly move the Court, before the Honorable Shira A. Scheindlin, United States District Judge, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, Room 1620, New York, New York 10007, as soon as counsel may be heard, for an order dismissing with prejudice plaintiffs' Second

Consolidated Amended Complaints in their entirety for failure to state a claim on which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for failure to meet the requirements of Rule 9(b) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §§ 78u-4 - 78u-5. Defendants respectfully request oral argument.

Dated: New York, New York
November 13, 2007

Respectfully submitted,
MORRISON & FOERSTER LLP

By 

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CERTIFICATE OF SERVICE

I certify that on November 13, 2007, I caused a true and correct copy of the following documents,

NOTICE OF MOTION AND MOTION TO DISMISS THE SECOND
CONSOLIDATED AMENDED COMPLAINTS;

MEMORANDUM OF LAW IN SUPPORT OF THE ISSUER DEFENDANTS'
MOTION TO DISMISS THE SECOND CONSOLIDATED AMENDED
COMPLAINTS;

DECLARATION OF JOEL C. HAIMS, ESQ. IN SUPPORT OF THE ISSUER
DEFENDANTS' MOTION TO DISMISS THE SECOND CONSOLIDATED
AMENDED COMPLAINTS;

EXHIBITS TO DECLARATION OF JOEL C. HAIMS, ESQ. IN SUPPORT OF
THE ISSUER DEFENDANTS' MOTION TO DISMISS THE SECOND
CONSOLIDATED AMENDED COMPLAINTS, VOLUMES I and II; and

CERTIFICATION OF EXCHANGE OF PRE-MOTION LETTERS


to be served via LexisNexis File & Serve upon all parties listed on the service list on the *IPO Securities Litigation* website maintained by Lexis/Nexis,

and by hand delivery upon the following:

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