



1 See Dkt. Nos. 42, 43.

2 KFI intends to file the surreply by 11:59 p.m. (PDT) on August 4, 2010. This notice is  
3 being filed as soon after receiving the reply brief as practicable because Defendants' counsel  
4 did not form the intent to file a surreply until today, August 4, 2010 after conferring with KFI.

5 KFI notes that Plaintiff filed its reply brief and declaration after the close of business in  
6 Philadelphia - shortly after 9:00 p.m. (EDT), on Friday, July 30, 2010, and KFI's counsel was  
7 occupied on Monday, August 2, responding to Plaintiff's motion to disqualify. The first  
8 opportunity to review Plaintiff's reply brief and declaration was Tuesday afternoon, August 3,  
9 and it was not until today, August 4, 2010, when KFI first formed the intent to file a surreply.

10 Dated: August 4, 2010

11 /s/ Joshua R. Slavitt

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 4, 2010, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 4th day of August, 2010.

Pepper Hamilton LLP  
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