

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FIRE 'EM UP, INC.,)	
)	
	Plaintiff,)
v.)	
)	
TECHNOCARB EQUIPMENT (2004))	No. 10 CV 08050
LTD, et al.,)	
)	Judge Norgle
	Defendants.)
)	

**MOTION TO DISMISS
COUNTS V-VIII OF PLAINTIFF'S COMPLAINT**

Defendants Technocarb Equipment (2004) Ltd. and Aurora Electronics, Ltd. move, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss Counts V-VIII of Fire 'Em Up, Inc.'s ("FEU") complaint for the following reasons, as set forth more fully in the accompanying memorandum of law.

1. FEU's claim for trade secret misappropriation (Count V) should be dismissed because FEU has failed to plead that the information at issue is a trade secret, how it was maintained as a secret, or what is claimed as a trade secret.

2. Count VI should be dismissed because FEU has failed to plead the required elements to state a claim for conversion.

3. Count VII should be dismissed because FEU has failed to plead fraud with particularity, and has failed to identify a single specific false statement.

4. Furthermore, FEU's claims for conversion and fraud, Counts VI and VII respectively, attempt to receive tort recovery for the misappropriation of trade secrets, and are thus preempted by the Illinois Trade Secret Act.

5. Finally, Count VIII of FEU's complaint seeks an accounting and must be dismissed because FEU both fails to allege the absence of an adequate remedy at law and actually concedes that there is an adequate remedy at law.

WHEREFORE, Defendants Technocarb Equipment (2004) Ltd., and Aurora Electronics, Ltd. respectfully request that Counts V-VIII of Fire 'Em Up, Inc.'s complaint be dismissed for failure to state a claim, that Counts VI and VII be dismissed with prejudice as preempted by the Illinois Trade Secret Act, and for such other relief as the Court deems proper.

Respectfully submitted,

By: /s/ Anna Z. Krasinski
One of their attorneys

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AURORA ELECTRONICS, LTD*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on **April 11, 2011** the foregoing **Motion to Dismiss Counts V-VIII of Plaintiff's Complaint** was filed with Clerk of the Court for the Northern District of Illinois using the CM/ECF System, which automatically transmitted a Notice of Electronic Filing to all ECF registrants.

/s/Anna Z. Krasinski