

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY,)
)
Plaintiff,) C.A. No. 06-91 (SLR)
)
v.)
)
ACUSHNET COMPANY,)
)
Defendant.)

**ACUSHNET COMPANY'S MOTION TO DISMISS CALLAWAY'S CLAIM OF
BREACH OF CONTRACT (COUNT V) AND TO PARTIALLY VACATE THE
COURT'S NOVEMBER 20, 2007 OPINION AND ORDER**

Defendant Acushnet Company ("Acushnet") respectfully moves to dismiss Callaway's claim for breach of contract (Count V) and to partially vacate the Court's November 20, 2007 Opinion and Order. The grounds for this Motion are set forth in the accompanying brief in support.

Respectfully submitted,

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Dated: August 12, 2008
878078 / 30030

Attorneys for Defendant Acushnet Company

**IN THE UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on August 12, 2008, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on August 12, 2008, the attached document was Electronically Mailed to the following person(s):

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