

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

QUANTUM CATALYTICS, LLC and TEXAS  
SYNGAS, INC.,

Plaintiffs,

v.

ZE-GEN, INC., WILLIAM DAVIS, NEW  
BEDFORD WASTE SERVICES, LLC,  
VANTAGEPOINT VENTURE PARTNERS,  
LLC, FLAGSHIP VENTURES, IRV  
MORROW, and DAVID H. JUDSON,

Defendants.

CIVIL ACTION NO. 1:08-cv-11456-JGD

**MOTION BY ZEGEN, INC., WILLIAM DAVIS, AND IRV MORROW TO DISMISS FOR  
FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED**

Defendants Ze-Gen, Inc., William Davis, and Irv Morrow respectfully move, pursuant to Fed. R. Civ. P. 12(b)(6), for the dismissal of the Complaint. In support of this motion, Defendants refer to and incorporate by reference their Memorandum in Support hereof.

Respectfully submitted,

ZE-GEN, INC., WILLIAM DAVIS, and  
IRV MORROW

By their attorneys,

/s/ Christopher M. Morrison  
John D. Hanify (BBO #219880)  
Edward A. Pennington (*pro hac vice*)  
Christopher M. Morrison (BBO #651335)  
Stephanie D. Scruggs (*pro hac vice*)  
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DATED: October 21, 2008

**CERTIFICATE OF COMPLIANCE WITH FEDERAL LOCAL RULE 7.1**

I, Christopher M. Morrison, counsel for the above-captioned defendants, hereby certify that I have complied with the provisions of Local Rule 7.1 prior to the filing of this motion.

/s/ Christopher M. Morrison  
Christopher M. Morrison

**CERTIFICATE OF SERVICE**

I, Christopher M. Morrison, hereby certify that I have this 21st day of October, 2008 served a true copy of the foregoing document to the registered participants as identified on the Notice of Electronic Filing.

/s/ Christopher M. Morrison  
Christopher M. Morrison