

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

X CORP.,

*Plaintiff,*

v.

NATIONAL MUSIC PUBLISHERS'  
ASSOCIATION, INC., *et al.*,

*Defendants.*

Case No. 3:26-cv-00047-B

**DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

TO THE HONORABLE JANE J. BOYLE, UNITED STATES DISTRICT JUDGE:

Defendants file this Motion to Dismiss for Failure to State a Claim (“the Motion”), respectfully requesting that the Court dismiss with prejudice all of Plaintiff X Corp.’s (“X”) claims against Defendants under Fed. R. Civ. P. 12(b)(6) for the following reasons:

1. X has not suffered antitrust injury;
2. X does not state a group boycott claim under Section 1 of the Sherman Act;
3. X does not state a *per se* claim;
4. X does not state a monopolization claim under Section 2 of the Sherman Act; and
5. X does not state a claim under any state law.

Defendants are contemporaneously filing with this Motion their Brief in Support of the Motion (the “Brief”), which contains the Court-required statement of facts and legal argument detailing the Defendants’ Fed R. Civ. P. 12(b)(6) grounds listed above.

For the reasons set forth in the Motion and Brief, Defendants respectfully request that the Court grant this motion and dismiss the claims against Defendants with prejudice for failure to state a claim under Fed. R. Civ. P. 12(b)(6).

Dated: April 2, 2026

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**CERTIFICATE OF SERVICE**

I certify on this 2nd day of April 2026, I caused the foregoing to be electronically filed and served through the Court's ECF System.

Dated: April 2, 2026

/s/ Christopher E. Ondeck  
Christopher E. Ondeck