DC Comics v. Mark Towle et al Doc. 19

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

DC Comics, Plaintiff, v. Mark Towle, an individual and d/b/a Gotham Garage, and Does 1 – 10, inclusive, Defendants.	Case No. CV 11-3934 RSWL (OPx) OBJECTIONS TO REQUEST FOR JUDICIAL NOTICE Hearing Date: January 25, 2012 Time: 10:00 a.m. Courtroom: 21 Before the Hon. Ronald S.W. Lew

TO DEFENDANT AND ITS COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT Plaintiff DC Comics ("Plaintiff" or "DC") submits the following objections to the Request for Judicial Notice submitted by Defendant Mark Towle, an individual and d/b/a Gotham Garage ("Defendant") in support of its Motion to Dismiss Claim of Copyright Infringement Pursuant to FRCP 12(b)(6) as set forth below:

- Plaintiff objects to the exhibits in their entirety as outside the scope of consideration on a motion to dismiss. See Levine v. Diamanthuset, Inc., 950 F.2d 1478, 1483 (9th Cir. 1991); In re Autodesk, Inc. Sec. Litig., 132 F. Supp. 2d 833, 837 (N.D. Cal. 2000) citing Allarcom Pay Television, Ltd. v. Gen. Instrument Corp., 69 F.3d 381, 385 (9th Cir. 1995).

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- Plaintiff further objects to the exhibits in their entirety as irrelevant to determination as a matter of law of Plaintiff's copyright ownership of the Batmobile.
- Plaintiff objects to Exhibits 1, 2, 3, 10, and 11 as not "generally known within the trial court's territorial jurisdiction." Fed. R. Evid. 201(b)(1).
- Plaintiff objects to Exhibits 1, 2, 3, 10, and 11 as not able to be "accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b)(2).

Dated: January 9, 2012

J. Andrew Coombs, A Prof. Corp.

By: /s/ Nicole L. Drey
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