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13 Attorneys for Plaintiff, IconFind Inc.

14 IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

15 ICONFIND, INC.,

Case No. 2:11-cv-00319-GEB-JFM

16 Plaintiff,

**PLAINTIFF'S REQUEST FOR
JUDICIAL NOTICE**

17 v.

18 GOOGLE INC.,

19 Defendant.

20

21 Plaintiff Iconfind, Inc. hereby requests that the Court take judicial notice, pursuant to Rule

22 201 of the Federal Rules of Evidence, the patent-in-suit, U.S. Patent No. 7,181,459 (“the ‘459

23 Patent”) and U.S. Patent No. 7,788,274 (“the ‘274 Patent”) filed as Exhibits A and C to Plaintiff’s

24 Memorandum in Opposition to Google’s Motion for Judgment, for the reasons stated below.

25

26 PLAINTIFF’S REQUEST FOR JUDICIAL NOTICE

1 Iconfind does not oppose Defendant Google Inc.'s Request for Judicial Notice of the prosecution
2 history of the '459 Patent.

3 ARGUMENT

4 A court may take judicial notice of a fact that is "capable of accurate and ready
5 determination by resort to sources whose accuracy cannot reasonably be questioned." FED.
6 R.EVID. 201(b)(2). Where a document is in the public record and is not subject to reasonable
7 dispute, it is appropriate for a Court to take judicial notice of it. Streak Products, Inc. v. Antec,
8 Inc., 2010 WL 3515752, *3 (N.D. Cal. Sep. 8, 2010) (citing Lee v. City of Los Angeles, 250
9 F.3d 668, 689 (9th Cir. 2001). "Because [] patents are matters of public record, they are also
10 appropriate subjects for judicial notice under Rule 201." Lamle v. City of Santa Monica, 2010
11 WL 3734868, *5 (C.D. Cal. Jul 23, 2010) (granting request for judicial notice of two patents)
12 (citing Mack v. South Bay Beer Distrib., 798 F.2d 1279, 1282 (9th Cir. 1986)). The reasoning
13 behind this rule is that a public record, such as a patent, is "not subject to reasonable dispute and
14 is capable of accurate and ready determination by resort to sources whose accuracy cannot
15 reasonably be questioned." Fujitsu Ltd. v. Belkin Intern., Inc., 2010 WL 5387920, *9 (N.D.Cal.
16 Dec. 22, 2010) (granting request for judicial notice of two patents).

17 The '459 Patent is the subject of the Complaint and Google's Motion for Judgment on the
18 Pleadings of Invalidity. The '274 Patent was also cited by Iconfind in its Complaint (Compl.,
19 Dkt. No. 1, ¶9) and its Response in Opposition to Google's Motion for Judgment on the
20 Pleadings. Both Patents are published on the United States Patent and Trademark Office website
21 and their accuracy cannot reasonably be questioned. For the same reasons, Iconfind does not
22 oppose Google's Request for Judicial Notice (Dkt. No. 31) of the prosecution history of the '459
23 Patent.

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1 **CONCLUSION**

2 Pursuant to the foregoing, Iconfind respectfully requests that the Court take judicial notice,
3 pursuant to Federal Rule of Evidence 201, of U.S. Patent No. 7,181,459 and U.S. Patent No.
4 7,788,274 filed as an Exhibits A and C, respectively, to Iconfind’s Memorandum in Opposition to
5 Google’s Motion for Judgment on the Pleadings.

6 Respectfully submitted,

7 /s/ Anna B. Folgers
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