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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION
 11

12 NETFLIX, INC., a Delaware corporation,
 13 Plaintiff,

14 v.

15 BLOCKBUSTER, INC., a Delaware
 16 corporation, DOES 1-50,
 17 Defendant.

Case No. C 06 2361 WHA

**PLAINTIFF NETFLIX INC.'S REQUEST
 FOR JUDICIAL NOTICE IN SUPPORT
 OF ITS MOTION TO DISMISS
 ANTITRUST COUNTERCLAIMS AND
 AFFIRMATIVE DEFENSES**

Date: August 17, 2006
 Time: 8:00 a.m.
 Judge: Hon. William Alsup

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REQUEST FOR JUDICIAL NOTICE

Pursuant to Federal Rule of Evidence 201, plaintiff Netflix, Inc. (“Netflix”) hereby requests that the Court take judicial notice of the following patents:

- U.S. Patent No. 5,699,526, entitled “Ordering and Downloading Resources from Computerized Repositories,” which names as inventor David M. Siefert, issued December 16, 1997, on an application filed August 21, 1996 (copy attached hereto as Ex. A);
- U.S. Patent No. 5,951,643, entitled “Mechanism for Dependably Organizing and Managing Information for Web Synchronization and Tracking Among Multiple Browsers,” which names as inventors James A. Shelton, Michael I. Ingrassia, Jr., and Thomas M. Roland, issued September 14, 1999, on an application filed October 6, 1997 (copy attached hereto as Ex. B);
- U.S. Patent No. 5,991,791, entitled “Security Aspects of Computer Resource Repositories,” which names as inventor David M. Siefert, issued November 23, 1999, on an application filed January 10, 1997 (copy attached hereto as Ex. C);
- U.S. Patent No. 6,026,403, entitled “Computer System for Management of Resources,” which names as inventor David M. Siefert, issued February 15, 2000, on an application filed March 24, 1994 (copy attached hereto as Ex. D);
- U.S. Patent No. 6,169,997, entitled “Method and Apparatus for Forming Subject (Context) Map and Presenting Internet Data According to the Subject Map,” which names as inventors Karen A. Papierniak, James E. Thaisz, Luo-Jen Chiang, and Paresh B. Shah, issued January 2, 2001, on an application filed April 29, 1998 (copy attached hereto as Ex. E);
- U.S. Patent No. 6,253,203, entitled “Privacy-Enhanced Database,” which names as inventors Kenneth W. O’Flaherty, Richard G. Stellwagen, Jr., Todd A. Walter, Reid M. Watts, David A. Ramsey, Adriaan W. Veldhuisen and Renda K. Ozden, issued June 26, 2001, on an application filed October 2, 1998; (copy attached hereto as Ex. F);
- U.S. Patent No. 6,480,855, entitled “Managing a Resource on a Network Where Each Resource Has an Associated Profile with an Image,” which names as

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inventor David M. Siefert, issued November 12, 2002, on an application filed August 22, 2000 (copy attached hereto as Ex. G);

- U.S. Patent No. 6,502,096, entitled “Computerized Asset Management System,” which names as inventor David M. Siefert, issued December 31, 2002, on an application filed August 22, 2000 (copy attached hereto as Ex. H); and
- U.S. Patent No. 6,714,931, entitled “Method and Apparatus for Forming User Sessions and Presenting Internet Data According to the User Sessions,” which names as inventors Karen A. Papieniak, James E. Thaisz, Luo-Jen Chiang, Anjali M. Diwekar, issued March 30, 2004, on an application filed April 29, 1998 (copy attached hereto as Ex. I).

Under Ninth Circuit law, courts may take judicial notice of “matters of public record,” which includes administrative records, reports and procedures. *See, e.g., Interstate Natural Gas Co. v. Southern California Gas Co.*, 209 F.2d 380, 385 (9th Cir. 1953); *Coinstar, Inc. v. CoinBank Automated Sys., Inc.*, 998 F. Supp. 1109, 1114 (N.D. Cal. 1998). Such administrative records specifically include copies of United States patents, as well as copies of documents from the file histories of those patents. *Coinstar*, 998 F. Supp. at 1114 (granting request for judicial notice pursuant to FRE Rule 201, of the authenticity of several documents, including copies of two United States patents and copies of documents from the file history of one of those patents).

Accordingly, this Court is entitled to take judicial notice of United States patents as well as their respective file histories, and Netflix specifically requests that this Court take judicial notice of the nine Exhibits identified above and attached hereto.

Dated: July 6, 2006

KEKER & VAN NEST, LLP

By: /s/ Daralyn J. Durie
 DARALYN J. DURIE
 Attorneys for Plaintiff
 NETFLIX, INC.