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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In Re Sony PS3 “Other OS” Litigation

Case No. CV-10-1811-RS

**PLAINTIFFS’ REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF PLAINTIFFS’
MOTION FOR ORDER: (1)
COMPELLING DISCOVERY FROM
DEFENDANT SCEA’S PARENT
COMPANY; AND (2) ENTERING THE
NORTHERN DISTRICT OF
CALIFORNIA’S STANDARD
STIPULATED PROTECTIVE ORDER;
DECLARATION OF ROSEMARY M.
RIVAS**

Date: February 9, 2011
Time: 10:30 a.m.
Judge: Magistrate Judge Edward M. Chen
Courtroom: C, 15th Floor

1 Pursuant to Federal Rule of Evidence 201, Plaintiffs hereby request that this Court take
2 judicial notice of the following motions and orders filed in *Microunity Systems Engineering, Inc.*
3 *v. SCEA Computer Entertainment America Inc.*, Case No. 2:05cv505 TJW (E.D. Tex.):

4 Exhibit 1: Plaintiff Microunity's Motion to Compel Defendant SCEA to Present
5 Witnesses to Testify at a Location in the United States Under Fed. R. Civ. P. Rule 30(b)(6);

6 Exhibit 2: Plaintiff Microunity's Combined Opposition to SCEA's Motion for Protective
7 Order and Reply in Support of its Motion to Compel Defendant SCEA to Present Witnesses to
8 Testify at a Location in the United States Under Fed. R. Civ. P. Rule 30(b)(6);

9 Exhibit 3: the Court's Order in Plaintiff Microunity's Motion to Compel Defendant
10 SCEA to Present Witnesses to Testify at a Location in the United States Under Fed. R. Civ. P.
11 Rule 30(b)(6).

12 This Court may take judicial notice, at any stage of the proceedings, of facts that are
13 "capable of accurate and ready determination by resort to sources whose accuracy cannot
14 reasonably be questioned." Fed. R. Evid. § 201(b), (f). Under this standard, judicial notice of
15 the court documents filed in *Microunity Systems Engineering, Inc. v. SCEA Computer*
16 *Entertainment America Inc.* is proper. *United States v. Wilson*, 631 F.2d 118, 119 (9th Cir.
17 1980) (courts can take judicial notice of records in cases filed in other courts); *Wendt v. Smith*,
18 273 F. Supp. 2d 1078, 1082 (C.D. Cal. 2003) (the fact that a judicial action was taken is
19 amenable to judicial notice). This Court should accordingly take such notice.

20 Dated: December 15, 2010

Respectfully Submitted,

21 **CALVO & CLARK, LLP**

22 /s/ James A. Quadra

23 James A. Quadra

24 Rebecca Coll

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27 Dated: December 15, 2010

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Dated: December 15, 2010

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Counsel for Plaintiffs

23 I, Rosemary M. Rivas, am the ECF user whose ID and password are being used to file
24 this PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFFS'
25 MOTION FOR ORDER: (1) COMPELLING DISCOVERY FROM DEFENDANT SCEA'S
26 PARENT COMPANY; AND (2) ENTERING THE NORTHERN DISTRICT OF
27 CALIFORNIA'S STANDARD STIPULATED PROTECTIVE ORDER; DECLARATION OF
28

1 ROSEMARY M. RIVAS. In compliance with General Order 45, X.B., I hereby attest that James
2 A. Quadra and James Pizzirusso have concurred in this filing.
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I, Rosemary M. Rivas, declare as follows:

1. I am a partner in the law firm of Finkelstein Thompson LLP. I submit this Declaration in support of Finkelstein Thompson LLP's Request for Judicial Notice. This declaration is based on my own personal knowledge and if called to testify, I could and would do so competently as to the matters set forth herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of the following verifiable public record: a brief filed on May 21, 2007 in *Microunity Systems Engineering, Inc. v. SCEA Computer Entertainment America Inc.*, Case No. 2:05cv505 TJW (E.D. Tex.) entitled “Plaintiff Microunity’s Motion to Compel Defendant SCEA to Present Witnesses to Testify at a Location in the United States Under Fed. R. Civ. P. Rule 30(b)(6).”

3. Attached hereto as Exhibit 2 is a true and correct copy of the following verifiable public record: a brief filed on June 22, 2007 in *Microunity Systems Engineering, Inc.* entitled “Plaintiff Microunity’s Combined Opposition to SCEA’s Motion for Protective Order and Reply in Support of its Motion to Compel Defendant SCEA to Present Witnesses to Testify at a Location in the United States Under Fed. R. Civ. P. Rule 30(b)(6).”

4. Attached hereto as Exhibit 3 is a true and correct copy of the following verifiable public record: The court's July 11, 2007 Order in *Microunity Systems Engineering, Inc.*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed December 15, 2010 in San Francisco, California.

Rosemary M. Rivas