

1 LUANNE SACKS, Bar No. 120811  
 luanne.sacks@dlapiper.com  
 2 CARTER W. OTT, Bar No. 221660  
 carter.ott@dlapiper.com  
 3 **DLA PIPER LLP (US)**  
 555 Mission Street, Suite 2400  
 4 San Francisco, CA 94105  
 Tel: 415.836.2500  
 5 Fax: 415.836.2501

6 Attorneys for Defendant  
 SONY COMPUTER ENTERTAINMENT  
 7 AMERICA LLC (erroneously sued as "Sony  
 Computer Entertainment America Inc.")  
 8

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

12  
 13 In re SONY PS3 "OTHER OS"  
 LITIGATION

CASE NO. 3:10-CV-01811 RS (EMC)

**REQUEST FOR JUDICIAL NOTICE IN  
 SUPPORT OF DEFENDANT'S MOTION  
 TO COMPEL**

Date: February 9, 2011  
 Time: 10:30 a.m.  
 Judge: Hon. Edward M. Chen  
 Courtroom: C

1 Defendant Sony Computer Entertainment America LLC (“SCEA”) respectfully requests  
2 that the Court take judicial notice of certain documents and information cited in its Motion to  
3 Compel, filed herewith.

4 **I. REQUEST FOR JUDICIAL NOTICE**

5 Pursuant to Federal Rule of Evidence 201, SCEA requests that the Court take judicial  
6 notice of the following documents, each of which is attached to the accompanying Declaration of  
7 Carter Ott (“Ott Declaration”).

8 1. System Software License Agreement (Version 1.4) for the PlayStation®3 System.  
9 Ott Declaration, Exhibit A.

10 2. Terms Of Service And User Agreement for the PlayStation®Network, Version  
11 7.0. Ott Declaration, Exhibit B.

12 3. A screenshot from the website of Meiselman Denlea Packman Carton & Eberz  
13 P.C. Ott Declaration, Exhibit QQ.

14 **II. JUDICIAL NOTICE IS APPROPRIATE**

15 **A. The Court May Take Judicial Notice Of Documents Incorporated By  
16 Reference In The Consolidated Complaint**

17 Federal Rule of Evidence 201 allows a court to take judicial notice of, *inter alia*,  
18 adjudicative facts “not subject to reasonable dispute in that [they are] . . . capable of accurate and  
19 ready determination by resort to sources whose accuracy cannot reasonably be questioned.”  
20 Here, the Court may take judicial notice of these documents, attached to the Ott Declaration, as  
21 they are not subject to reasonable dispute and are capable of accurate and ready determination by  
22 reference to the Internet.<sup>1</sup>

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26 <sup>1</sup> *United States v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 2003); *Wible v. Aetna Life Ins. Co.*, 375 F.  
27 Supp. 2d 956, 965 (C.D. Cal. 2005) (courts regularly take judicial notice of matters available on  
28 the Internet); *Caldwell v. Caldwell*, 2006 WL 618511 (N.D. Cal. Mar. 13, 2006); *O’Toole v.*  
*Northrop Grumman Corp.*, 499 F.3d 1218, 1225 (10th Cir. 2007); *Highfields Capital Mgmt., L.P.*  
*v. Doe*, 385 F. Supp. 2d 969, 971-72 (N.D. Cal. 2005); *Ligotti v. Garofalo*, 562 F. Supp. 2d 204,  
212 (D.N.H. 2008) (taking judicial notice of four comments made on Internet blog).

1 Dated: December 15, 2010

DLA PIPER LLP (US)

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By: /s/ Luanne Sacks

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LUANNE SACKS

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Attorneys for Defendant

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SONY COMPUTER ENTERTAINMENT

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AMERICA LLC

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