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9 Attorneys for Plaintiff
 DIGITAL CHOCOLATE, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 DIGITAL CHOCOLATE, INC., a Delaware
 14 corporation,

15 Plaintiff,

16 v.

17 ZYNGA GAME NETWORK INC., a
 Delaware corporation,

18 Defendant.

Case No. CV-10-3758 PVT

**DECLINATION TO PROCEED BEFORE A
 MAGISTRATE JUDGE AND REQUEST FOR
 REASSIGNMENT TO A UNITED STATES
 DISTRICT JUDGE**

20 Plaintiff Digital Chocolate, Inc. hereby declines to consent to the assignment of the above-
 21 captioned action to a United States Magistrate Judge for trial and disposition, and hereby
 22 respectfully requests the reassignment of this matter to a United States District Judge.

23 Dated: September 13, 2010

COOLEY LLP

25 */s/ Michael G. Rhodes*

26 Michael G. Rhodes
 Attorneys for Plaintiff
 27 DIGITAL CHOCOLATE, INC.

PROOF OF SERVICE
(FRCP 5)

I am a citizen of the United States and a resident of the State of California. I am employed in San Francisco County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is Cooley LLP, 101 California Street, 5th Floor, San Francisco, California 94111-5800. On the date set forth below I served the documents described below in the manner described below:

**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND
REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT
JUDGE**

- (BY U.S. MAIL) I am personally and readily familiar with the business practice of Cooley LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at San Francisco, California.
- (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- (BY FACSIMILE) I am personally and readily familiar with the business practice of Cooley LLP for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Cooley LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by FedEx for overnight delivery.
- (BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of Cooley LLP for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be prepared in PDF and then served by electronic mail to the parties listed below.

on the following part(ies) in this action:

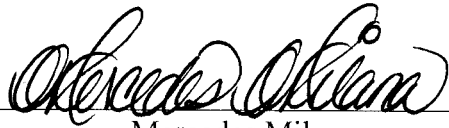
Zynga Game Network Inc.
365 Vermont Street
San Francisco, CA 94103

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Executed on September 13, 2010, at San Francisco, California.



Mercedes Milana