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18 ATTORNEYS FOR DEFENDANT  
 19 COLLEGIATE LICENSING COMPANY

20 **UNITED STATES DISTRICT COURT**  
 21 **NORTHERN DISTRICT OF CALIFORNIA**  
 22 **OAKLAND DIVISION**

23 EDWARD C. O'BANNON, JR., on behalf of  
 24 himself and all others similarly situated,

25 Plaintiff,

26 v.

27 NATIONAL COLLEGIATE ATHLETIC  
 28 ASSOCIATION (a/k/a the "NCAA"), and  
 COLLEGIATE LICENSING COMPANY  
 (a/k/a "CLC")

Defendants.

Case No. 4:09-cv-03329 CW

**CERTIFICATE OF SERVICE FOR  
 DEFENDANT COLLEGIATE  
 LICENSING COMPANY'S NOTICE OF  
 MOTION AND MOTION TO DISMISS  
 THE COMPLAINT PURSUANT TO  
 FED. R. CIV. P. 12(b)(6)**

Hearing Date: November 17, 2009  
 Time: 2:00 p.m.  
 Dept: Courtroom 2, 4<sup>th</sup> Floor  
 Judge: Hon. Claudia Wilken

Date Complaint filed: July 21, 2009

1 **CERTIFICATE OF SERVICE**

2 I am a citizen of the United States and employed in Alameda County, California. I am  
3 over the age of eighteen years and not a party to the within-entitled action. My business address  
4 is 1999 Harrison Street, Suite 1800, Oakland, California 94612-3520. On October 13, 2009, I  
5 served a copy of the within document(s):  
6

7 **DEFENDANT COLLEGIATE LICENSING COMPANY'S**  
8 **NOTICE OF MOTION AND MOTION TO DISMISS THE**  
9 **COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6);**

10 **DECLARATION OF PETER M. BOYLE IN SUPPORT OF**  
11 **DEFENDANT COLLEGIATE LICENSING COMPANY'S**  
12 **MOTION TO DISMISS THE COMPLAINT PURSUANT TO**  
13 **FED. R. CIV. P. 12(b)(6);**

14 **[PROPOSED] ORDER GRANTING DEFENDANT**  
15 **COLLEGIATE LICENSING COMPANY'S MOTION TO**  
16 **DISMISS THE COMPLAINT PURSUANT TO FED. R. CIV.**  
17 **P. 12(b)(6)**

18 I hereby certify that on October 13, 2009, I electronically filed the foregoing document  
19 with the Clerk of the Court using the CM/ECF system which will send notification to the e-mail  
20 addresses registered, and I hereby certify that I have mailed the foregoing document(s) via the  
21 U.S. Postal Service to the following non-CM/ECF participants:

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23 Lopez & Fantel  
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25 Seattle, WA 98122-4024

26 Jack Simms  
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I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on October 13, 2009, at Oakland, California.

By: /s/ Tonya R. Cole  
TONYA R. COLE