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 15 FACEBOOK, INC.

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN JOSE DIVISION

20 FACEBOOK, INC.,
 21 Plaintiff,
 22 v.
 23 POWER VENTURES, INC. a Cayman Island
 Corporation; STEVE VACHANI, an
 24 individual; DOE 1, d/b/a POWER.COM,
 DOES 2-25, inclusive,
 25 Defendants.
 26

Case No. 5:08-cv-05780 JW (HRL)
**FACEBOOK, INC.'S REQUEST FOR
 JUDICIAL NOTICE**

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1 Plaintiff Facebook, Inc., (“Facebook”) hereby respectfully requests that the Court take
2 judicial notice of the documents listed below, a copy of which are attached hereto as **Exhibits 1**
3 and **2**. Facebook makes this request in support of its Reply to *Amicus Curiae* Electronic Frontier
4 Foundation’s Brief In Support of Defendants’ Motion for Summary Judgment, filed herewith.

5 Federal Rule of Evidence 201 permits judicial notice of facts “not subject to reasonable
6 dispute” in that they are “either (1) generally known within the territorial jurisdiction or the trial
7 court or (2) capable of accurate and ready determination by resort to sources whose accuracy
8 cannot reasonably be questioned.” *Paralyzed Veterans of Am. v. McPherson*, No. C 06-4670
9 SBA, 2006 U.S. Dist. LEXIS 89881, at *13 (N.D. Cal., Aug. 22, 2007). “[C]ourts routinely take
10 judicial notice of legislative history.” *Id.* at *13. “Legislative facts are ‘established truths, facts
11 or pronouncements that do not change from case to case but are applied universally, while
12 adjudicative facts are those developed in a particular case.” *Korematsu v. United States*, 584 F.
13 Supp. 1406, 1414-15 (N.D. Cal. 1984) (citations omitted). “Legislative facts are facts of which
14 courts take particular notice when interpreting a statute or considering whether Congress has
15 acted within its constitutional authority. For example, courts take judicial notice of legislative
16 history, including committee reports.” *Id.*, citing *Territory of Alaska v. American Can Co.*, 358
17 U.S. 224, 227, 3 L. Ed. 2d 257, 79 S. Ct. 274 (1959) (emphasis added).

- 18 1. Senate Committee On Judiciary Background Information questionnaire re
19 AB 2551.
- 20 2. Proposed Chapter 949 (Assembly Bill No. 2551), An act to amend Section
21 502 of the Penal Code, relating to computers, 1984 Reg. Session, Approved by Governor
22 September 7, 1984, Filed with Secretary of State September 10, 1984.

23
24 Dated: July 6, 2010

/s/ Julio C. Avalos
JULIO C. AVALOS

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26 Attorneys for Plaintiff
27 FACEBOOK, INC.
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