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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

11 INTERSERVE, INC. dba TECHCRUNCH, a
 Delaware corporation, and CRUNCHPAD,
 12 INC., a Delaware corporation,
 13 Plaintiffs,
 14 vs.
 15 FUSION GARAGE PTE LTD., a Singapore
 company,
 16 Defendant.

CASE NO. C 09-cv-5812 JW

**REQUEST FOR JUDICIAL NOTICE IN
 SUPPORT OF DEFENDANT'S MOTION
 TO DISMISS, MOTION TO STRIKE,
 AND MOTION FOR A MORE DEFINITE
 STATEMENT**

Date: April 5, 2010
 Time: 9:00 a.m.
 Dept.: 8, Fourth Floor
 Judge: The Hon. James Ware

REQUEST FOR JUDICIAL NOTICE

Defendant Fusion Garage PTE Ltd. (“Fusion Garage”) respectfully requests that the Court take judicial notice pursuant to Federal Rule of Evidence 201 of the following documents, copies of which are attached as exhibits to the Declaration of Patrick C. Doolittle filed concurrently herewith:

- Exhibit A: Michael Arrington, *We Want a Dead Simple Web Tablet for \$200. Help Us Build It*, TECHCRUNCH, July 21, 2008, <http://www.techcrunch.com/2008/07/21/we-want-a-dead-simple-web-tablet-help-us-build-it/> (last accessed Jan. 27, 2010).
- Exhibit B: Michael Arrington, *Update on the TechCrunch Tablet: Prototype A*, TECHCRUNCH, August 30, 2008, <http://www.techcrunch.com/2008/08/30/update-on-the-techcrunch-tablet-prototype-a/> (last accessed Jan. 27, 2010).

Both of these documents were referenced and/or quoted in Plaintiffs’ Complaint. (Dk. 1 at 3-4). It is appropriate to take judicial notice of documents that a plaintiff expressly refers to in its complaint when ruling on a motion to dismiss or other motion on the pleadings. *See, e.g., In re Verifone Holdings, Inc. Sec. Litig.*, No. 07-6140, 2009 WL 1458211, *1 n.1 (N.D. Cal. May 26, 2009) (granting judicial notice “as to those documents referenced in the complaint”); *Myers-Armstrong v. Actavis Totowa, LLC*, No. 08-4741, 2009 WL 1082026, *5 n. 5 (N.D. Cal. April 22, 2009) (“Judicial notice of the full text of documents referenced in a complaint is proper under the doctrine of incorporation by reference”); *Lindner v. IBM Corp.*, No. 06-4751, 2008 WL 2461934, *1 n. 1 (S.D.N.Y. June 18, 2008) (“In considering a motion to dismiss, the Court may take judicial notice of documents integral to or referred to in the complaint.”)

DATED: January 28, 2010

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

By /s/ Patrick Doolittle
Patrick C. Doolittle
Attorneys for Certain Individual Defendants