

1 COOLEY LLP
 MICHAEL G. RHODES (116127) (mrhodes@cooley.com)
 2 GAVIN L. CHARLSTON (253899) (gcharlston@cooley.com)
 101 California Street, 5th Floor
 3 San Francisco, CA 94111-5800
 Telephone: (415) 693-2000
 4 Facsimile: (415) 693-2222

5 JANET L. CULLUM (104336) (jcullum@cooley.com)
 MARK F. LAMBERT (197410) (mlambert@cooley.com)
 6 SUSAN D. BERNEY-KEY (124305) (sberneykey@cooley.com)
 3175 Hanover Street
 7 Palo Alto, CA 94304-1130
 Telephone: (650) 843-5000
 8 Facsimile: (650) 849-7400

9 Attorneys for Plaintiff
 DIGITAL CHOCOLATE, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 DIGITAL CHOCOLATE, INC., a Delaware
 corporation,
 14
 Plaintiff,
 15
 v.
 16
 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:

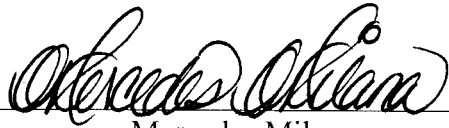
Zynga Game Network Inc.
365 Vermont Street
San Francisco, CA 94103

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dennis L. Wilson, Esq.
KEATS MCFARLAND & WILSON LLP
9720 Wilshire Boulevard, Penthouse Suite
Beverly Hills, CA 90212
Telephone: (310) 248-3830
Facsimile: (310) 860-0363

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



Mercedes Milana