

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:09-CV-00636-REB-KLM

VIDEO PROFESSOR, INC.

Plaintiff,

v.

AMAZON.COM, INC.

Defendant.

DEFENDANT'S DESIGNATION OF DEPOSITION TESTIMONY

Defendant Amazon.com, Inc. ("Amazon"), through its attorneys, and pursuant to Fed. R. Civ. P. 32 and Section III.F.3 of this Court's Practice Standards - Civil Actions (hereinafter "REB Civ. Practice Standards"), hereby submits the following designations of the Fed. R. Civ. P. 30(b)(6) deposition testimony of Individual Software, Inc. ("ISI"), given by its corporate designee, Mr. Jo-L Hendrickson.

Mr. Hendrickson and ISI each reside in Danville, California, which is more than 100 miles from the place of trial, and beyond the subpoena power of the Court. Thus, Mr. Hendrickson is an unavailable witness pursuant to Fed. R. Civ. P. 32(a)(4)(B) and Fed. R. Evid. 804(b)(1).

Although REB Civ. Practice Standard III.F.3. states that "deposition testimony shall be filed not later than 45 days before trial," the Fed. R. Civ. P. 30(b)(6) deposition

of ISI was taken on March 12, 2010¹ and a transcript of the deposition testimony was not received by undersigned counsel until Friday, March 26, 2010. Accordingly, Amazon hereby submits the following initial deposition designations, by page(s) and line(s):

Jo-L Hendrickson	
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¹ On January 26, 2010, the discovery deadline in this case was extended up to and including March 15, 2010. See Doc. No. 49.

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Respectfully submitted this 2nd day of April, 2010

s/ Jared B. Briant

Marc C. Levy

Jared B. Briant

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CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on April 2, 2010, I electronically filed the foregoing **DEFENDANT'S DESIGNATION OF DEPOSITION TESTIMONY** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following persons at the given email addresses:

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