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19 Attorneys for Specially Appearing
20 Defendants **BODOG ENTERTAINMENT**
21 **GROUP S.A.**, and erroneously named
22 Specially Appearing Defendants
23 **BODOG.NET** and **BODOG.COM**

24 UNITED STATES DISTRICT COURT
25 DISTRICT OF NEVADA

26 1ST TECHNOLOGY LLC,
27 Plaintiff,
28 vs.

29 RATIONAL ENTERPRISES LTDA.,
30 RATIONAL POKER SCHOOL LIMITED,
31 BODOG ENTERTAINMENT GROUP S.A.,
32 BODOG.NET, BODOG.COM, AND
33 FUTUREBET SYSTEMS LTD.,

34 Defendants.

Case No: 2:06-cv-1110-RLH-GWF

**DEFENDANT'S EVIDENTIARY
OBJECTIONS TO PLAINTIFF'S EXHIBIT
4(d), COPY OF *United States v.*
*BETONSPORTS PLC***

**Date: October 11, 2007
Time: 9:00 a.m.
Courtroom: 6C**

1 Specially appearing defendants, Bodog Entertainment Group S.A. (Costa Rica), Bodog.net,
2 and Bodog.com (“Defendants”) (who challenge jurisdiction), hereby submit the following
3 objections to Exhibit 4(D), submitted in support of 1st Technology LLC’s Response to Motion to
4 Set Aside Default Judgment.

5 Defendant objects to the admissibility of Exhibit 4(D), a copy *United States v.*
6 *BETONSPORTS PLC*. The case is inadmissible because (1) it is irrelevant, (2) it is inadmissible
7 hearsay, and (3) its probative value is substantially outweighed by the risk of unfair prejudice,
8 confusion of the issues, undue delay, and waste of time.

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- 10 1. *United States v. BETONSPORTS PLC* is irrelevant because it provides no information that is
11 relevant to the underlying cause of action for patent infringement or the jurisdictional issues
12 raised in Defendant’s motion to set aside. The *BETONSPORTS* case lacks any logical
13 connection to the central matter in this case: the elements of patent infringement contained
14 in 18 U.S.C. § 271 (“Infringement of Patent”). Likewise, there is no information in the
15 article that suggests one way or the other whether the Defendant was properly served
16 process—the subject of the underlying Motion to Set Aside.
 - 17 2. Obviously, if the Plaintiff in this case were the U.S. Department of Justice, and the legal
18 theory put forth in this case the U.S. or Missouri gambling prohibitions, *United States v.*
19 *BETONSPORTS PLC* might be relevant. As is, the Plaintiff in this case is 1st Technology
20 and the legal theory they put forth is not illegal gambling, but patent infringement.
 - 21 3. *United States v. BETONSPORTS PLC* is inadmissible hearsay because it is based on out-of-
22 court assertions that took place in the United States District Court of the Eastern District of
23 Missouri (FRE 801). Plaintiff is presumably offering these statements to prove the truth of
24 the matters asserted in the article. Thus, *United States v. BETONSPORTS PLC* should be
25 excluded under FRE 802.
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1 4. *United States v. BETONSPORTS PLC* is inadmissible under FRE 403 because its probative
2 value—if there is any—is substantially outweighed by the danger of unfair prejudice,
3 confusion of the issues, and considerations of undue delay and waste of time. The article
4 creates a substantial risk of unfair prejudice because suggests the Defendant is engaged in
5 illegal activity (albeit in a different jurisdiction than this case is being litigated in). For this
6 reason, the article risks undue delay and waste of time because the information it contains
7 bears no relationship at all to the legal issues presented in this case.

8 Dated: October 1, 2007

9 By: /s/ Charles McCrea

10 Charles McCrea

11 **LIONEL SAWYER & COLLINS**

12 Attorneys for Specially Appearing Defendants

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