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11 Attorneys for Specially Appearing
 Defendants **BODOG ENTERTAINMENT**
 12 **GROUP S.A.**, and erroneously named
 Specially Appearing Defendants
 13 **BODOG.NET** and **BODOG.COM**

14 UNITED STATES DISTRICT COURT
 15 DISTRICT OF NEVADA

16 1ST TECHNOLOGY LLC,
 17 Plaintiff,
 18 vs.

19 RATIONAL ENTERPRISES LTDA.,
 RATIONAL POKER SCHOOL LIMITED,
 20 BODOG ENTERTAINMENT GROUP S.A.,
 BODOG.NET, BODOG.COM, AND
 21 FUTUREBET SYSTEMS LTD.,
 22 Defendants.

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

**DEFENDANT'S EVIDENTIARY
 OBJECTIONS TO PLAINTIFF'S EXHIBIT
 4(d), STATE OF WASHINGTON
 GAMBLING COMMISSION'S PRESS
 RELEASE**

**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), State of Washington Gambling Commission’s Press Release, submitted
4 in support of 1st Technology LLC’s Response to Motion to Set Aside Default Judgment.

5 Defendant objects to the admissibility of Exhibit 4(D), a copy of an article entitled “*Media*
6 *Release, Internet Gambling.*” The article is inadmissible because (1) it is irrelevant, (2) is
7 inadmissible hearsay, and (3) its probative value is substantially outweighed by the risk of unfair
8 prejudice, confusion of the issues, undue delay, and waste of time.

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- 10 1. Exhibit 4(d) is irrelevant because it provides no information that is relevant to the
11 underlying cause of action for patent infringement or the jurisdictional issues raised in
12 Defendant’s motion to set aside. The article lacks any logical connection to the central
13 matter in this case: the elements of patent infringement contained in 18 U.S.C. § 271
14 (“Infringement of Patent”). Likewise, there is no information in the article that suggests one
15 way or the other whether the Defendant was properly served process—the subject of the
16 underlying Motion to Set Aside.
 - 17 2. Exhibit 4(d) is inadmissible hearsay because it is based on out of court assertions by the
18 State of Washington Gambling Commission (FRE 801). Plaintiff is presumably offering
19 these statements to prove the truth of the matters asserted in the article. Thus, Exhibit 4(d)
20 should be excluded under FRE 802.
 - 21 3. Exhibit 4(d) is inadmissible under FRE 403 because its probative value—if there is any—is
22 substantially outweighed by the danger of unfair prejudice, confusion of the issues, and
23 considerations of undue delay and waste of time. The article creates a substantial risk of
24 unfair prejudice because suggests the Defendant is engaged in illegal activity (albeit in a
25 different jurisdiction than this case is being litigated in). For this reason, the article risks
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1 undue delay and waste of time because the information it contains bears no relationship at
2 all to the legal issues presented in this case.
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4 Dated: October 1, 2007

5 By: /s/ Charles McCrea

6 Charles McCrea

7 **LIONEL SAWYER & COLLINS**

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