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12 *Pro Hac Vice Applications To Be Submitted*

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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
2, FORBES.COM ARTICLE ENTITLED
"CATCH ME IF YOU CAN"**

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 2, submitted in support of 1st Technology LLC’s Response to Motion to Set
4 Aside Default Judgment.

5 Additionally, Defendant objects to the admissibility of Exhibit 2, a copy of an article
6 entitled “Catch Me If You Can,” originally published by Forbes.com. The article is inadmissible
7 because (1) it is irrelevant, (2) it is inadmissible hearsay, and (3) its probative value is substantially
8 outweighed by the risk of unfair prejudice, confusion of the issues, undue delay, and waste of time.

- 9
- 10 1. The Forbes article 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 information contained in the article—from Mr. Ayre’s
13 having been raised by grain and pig farmers to his relationship with the Department of
14 Justice—lacks any logical connection to the elements of patent infringement contained in 18
15 U.S.C. § 271 (“Infringement of Patent”). Likewise, there is no information in the Forbes
16 article that suggests one way or the other whether the Defendant was properly served
17 process—the subject of the underlying Motion to Set Aside.
- 18
- 19 2. The Forbes article is inadmissible hearsay because it is based on out of court statements by
20 Forbes Magazine (FRE 801). Plaintiff is presumably offering these statements to prove the
21 truth of the matters asserted by the author of the article. Thus, the Forbes article should be
22 excluded under FRE 802.
- 23
- 24 3. The Forbes article is inadmissible under FRE 403 because its probative value—if there is
25 any—is substantially outweighed by the danger of unfair prejudice, confusion of the issues,
26 and considerations of undue delay and waste of time. The article creates a substantial risk of
27 unfair prejudice because it suggests that Defendant’s business activities are illegal. This and
28

1 other information presented in the article risks undue delay and waste of time because the
2 information is bears no relationship at all to the legal issues presented in this case.
3

4
5 Dated: October 1, 2007

By: /s/ Charles McCrea

Charles McCrea

LIONEL SAWYER & COLLINS

Attorneys for Specially Appearing Defendants

BODOG ENTERTAINMENT GROUP S.A., and
erroneously named Specially Appearing Defendants
BODOG.NET and **BODOG.COM**