

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

\_\_\_\_\_)  
CERTICOM CORP. and CERTICOM )  
PATENT HOLDING CORP., )  
) )  
Plaintiffs, )  
) )  
v. )  
) )  
SONY CORPORATION, SONY )  
CORPORATION OF AMERICA, SONY )  
COMPUTER ENTERTAINMENT INC., )  
SONY COMPUTER ENTERTAINMENT )  
AMERICA INC., SONY PICTURES )  
ENTERTAINMENT INC., SONY )  
ELECTRONICS INC. and SONY DADC )  
US INC. )  
) )  
Defendants. )  
\_\_\_\_\_)

Civil Action No. 2-07CV-216-TJW

**CERTICOM’S APPLICATION FOR COMMISSION TO TAKE ORAL DEPOSITION  
OF JAPANESE WITNESSES**

NOW COMES Certicom Corp. and Certicom Patent Holding Corp., and pursuant to Article 17 of the United States-Japan Consular Convention, requests that the Court issue a Commission for the Taking of Voluntary Oral Depositions of the following listed individuals at the United States Consulate General in Tokyo, Japan, commencing on or about December 1, 2008 and 8:30 a.m. and terminating on or about December 3, 2008 at 5:00 p.m.

1. Akiya Saito
2. Takashi Hagiwara
3. Susumu Ito
4. Masao Mizutani
5. Asami Mizuno
6. Ikuo Shinozaki
7. Hidehiro Inooka
8. Atsuo Sakai
9. Yoshinori Matsumoto
10. Kiyoshi Satomi

11. Takumi Okaue
12. Takafumi Akai
13. Satoshi Kitani

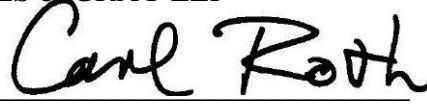
The attorneys participating for Plaintiffs in the depositions will be from the law firm of Ropes & Gray LLP of New York, New York, and attorneys for the Defendants who will participate in said depositions are from the law firm of Kenyon & Kenyon LLP in New York, New York. A list of the attendees is attached as Exhibit 1 to this application.

WHEREFORE, ALL PREMISES CONSIDERED, Plaintiffs request that a Commission be issued by the Court pursuant to Article 17 of the United States-Japan Consular Convention.

Respectfully submitted,

Dated: December 2, 2008

ROPES & GRAY LLP

By: 

Robert C. Morgan (admitted *pro hac vice*)  
Laurence S. Rogers (admitted *pro hac vice*)  
Khue V. Hoang (admitted *pro hac vice*)  
Matthew A. Traupman (admitted *pro hac vice*)

1211 Avenue of the Americas  
New York, New York 10036-8704  
Telephone: (212) 596-9000  
Facsimile: (212) 596-9090

James E. Hopenfeld (admitted *pro hac vice*)  
One Metro Center  
700 12th St., N.W.  
Washington, DC 20005  
Telephone: (202) 508-4600  
Facsimile: (202) 508-4650

THE ROTH LAW FIRM  
Carl R. Roth  
Texas Bar No. 17312000  
Brendan C. Roth  
Texas Bar No. 24040132  
Amanda A. Abraham  
Texas Bar No. 24055077  
115 N. Wellington, Suite 200  
Marshall, Texas 75670  
Telephone: (903) 935-1665  
Facsimile: (903) 935-1797

*Attorneys for Plaintiffs Certicom Corp. and  
Certicom Patent Holding Corp.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 2nd day of December, 2008. Any other counsel of record will be served by facsimile transmission and/or first class mail.

  
\_\_\_\_\_  
Carl R. Roth