CERTICOM CORP. and CERTICOM PATENT HOLDING CORP.,

Plaintiff,

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

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.

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

NOW COMES Certicom Corp. and Certicom Patent Holding Corp. (collectively, "Certicom"), and pursuant to Article 17 of the Unites 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 February 2, 2009 and 8:30 a.m. and terminating on or about February 13, 2009 at 5:00 p.m.

- 1. Masato Hattori
- 2. Satoshi Kitani
- 3. Katsumi Muramatsu
- 4. Tomoyuki Asano

The attorneys participating for Plaintiffs in the depositions will be from the law firm 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: January 8, 2009 ROPES & GRAY LLP

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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 8th day of January, 2009. Any other counsel of record will be served by facsimile transmission and/or first class mail.

Carl R. Roth