

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

CVENT, INC.,

Plaintiff,

v.

EVENTBRITE, INC.,

and

STEPHEN FOLEY,

Defendants.

ECF CASE

Case No. 1:10-cv-00481-LMB-IDD

**DEFENDANT EVENTBRITE, INC.'S REQUEST FOR
JUDICIAL NOTICE**

Pursuant to Rule 201 of the Federal Rules of Evidence, Defendant Eventbrite, Inc. (“Eventbrite”) requests that the Court take judicial notice of the following documents:

1. Cvent copyright registration 1
2. Cvent copyright registration 2
3. Cvent copyright registration 3
4. Cvent’s terms of use and various other pages from the website related thereto.

The Court may take judicial notice of the three copyright registrations, as they are publicly available, government-issued documents. *See* Fed. R. Civ. P. 201(d) (A court may take judicial notice of facts that are “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned”). Similarly, the terms of use and related pages from Cvent’s website are not only publicly available but also are “integral and explicitly relied on in the complaint.” *Am. Chiropractic Ass’n v. Trigon Healthcare, Inc.*, 367 F.3d 212, 234 (4th Cir. 2004) (internal quotation marks and alternations omitted). Unless the plaintiff disputes the authenticity of these webpages—and it cannot—they are also subject to judicial notice. *Id.*

(explaining that on a motion to dismiss the Court may consider documents that are authentic and integral and explicitly relied on in the complaint).

Dated: August 10, 2010

Respectfully submitted,

By:

/s/ Deneen J. Melander

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of August, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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