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14 Attorneys for Plaintiff  
15 FACEBOOK, INC.

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN JOSE DIVISION

19  
20 FACEBOOK, INC.,

21 Plaintiff,

22 v.

23 POWER VENTURES, INC. a Cayman Island  
Corporation; STEVE VACHANI, an  
24 individual; DOE 1, d/b/a POWER.COM,  
DOES 2-25, inclusive,

25 Defendants.  
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Case No. 5:08-cv-05780 JW (HRL)

**FACEBOOK, INC.'S REQUEST FOR  
JUDICIAL NOTICE**

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1 Plaintiff Facebook, Inc., (“Facebook”) hereby respectfully requests that the Court take  
 2 judicial notice of the documents listed below, a copy of which are attached hereto as **Exhibits 1**  
 3 and **2**. Facebook makes this request in support of its Reply to *Amicus Curiae* Electronic Frontier  
 4 Foundation’s Brief In Support of Defendants’ Motion for Summary Judgment, filed herewith.

5 Federal Rule of Evidence 201 permits judicial notice of facts “not subject to reasonable  
 6 dispute” in that they are “either (1) generally known within the territorial jurisdiction or the trial  
 7 court or (2) capable of accurate and ready determination by resort to sources whose accuracy  
 8 cannot reasonably be questioned.” *Paralyzed Veterans of Am. v. McPherson*, No. C 06-4670  
 9 SBA, 2006 U.S. Dist. LEXIS 89881, at \*13 (N.D. Cal., Aug. 22, 2007). “[C]ourts routinely take  
 10 judicial notice of legislative history.” *Id.* at \*13. “Legislative facts are ‘established truths, facts  
 11 or pronouncements that do not change from case to case but are applied universally, while  
 12 adjudicative facts are those developed in a particular case.” *Korematsu v. United States*, 584 F.  
 13 Supp. 1406, 1414-15 (N.D. Cal. 1984) (citations omitted). “Legislative facts are facts of which  
 14 courts take particular notice when interpreting a statute or considering whether Congress has  
 15 acted within its constitutional authority. For example, courts take judicial notice of legislative  
 16 history, including committee reports.” *Id.*, citing *Territory of Alaska v. American Can Co.*, 358  
 17 U.S. 224, 227, 3 L. Ed. 2d 257, 79 S. Ct. 274 (1959) (emphasis added).

18 1. Senate Committee On Judiciary Background Information questionnaire re  
 19 AB 2551.

20 2. Proposed Chapter 949 (Assembly Bill No. 2551), An act to amend Section  
 21 502 of the Penal Code, relating to computers, 1984 Reg. Session, Approved by Governor  
 22 September 7, 1984, Filed with Secretary of State September 10, 1984.

23  
 24 Dated: July 6, 2010

/s/ Julio C. Avalos  
 JULIO C. AVALOS

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 26 Attorneys for Plaintiff  
 27 FACEBOOK, INC.  
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