	Case 5:07-cv-03783-JF	Document 41-2	Filed 07/03/2008	Page 1 of 4
1 2 3 4 5 6 7 8 9 10 11	KELLY M. KLAUS (SBN Kelly.Klaus@mto.com AMY C. TOVAR (SBN 23 Amy.Tovar@mto.com MUNGER, TOLLES & OL 355 South Grand Avenue Thirty-Fifth Floor Los Angeles, CA 90071-15 Telephone: (213) 683-91 Facsimile: (213) 687-37 Attorneys for Defendants UNIVERSAL MUSIC COF UNIVERSAL MUSIC PUE and UNIVERSAL MUSIC	0370) .SON LLP 560 100 702 RP., BLISHING, INC., PUBLISHING GROU	DISTRICT COURT	Α
12 13 14 15 16 17 18 19 20 21	STEPHANIE LENZ, Plaintiff, vs. UNIVERSAL MUSIC COP MUSIC PUBLISHING, IN MUSIC PUBLISHING GR Defendar	RP., UNIVERSAL C., and UNIVERSAL OUP,	JUDICIAL N OF DEFENI DISMISS PI AMENDED [Reply in Sup Motion to Dis Amended Co herewith] DATE: July TIME: 9:00	NTAL REQUEST FOR NOTICE IN SUPPORT DANTS' MOTION TO LAINTIFF'S SECOND COMPLAINT oport of Defendants' smiss Plaintiff's Second mplaint filed concurrently 18, 2008
 22 23 24 25 26 27 28 	5417854.1		SUPP. RE	QUEST FOR JUDICIAL NOTICE
	5417854.1		SUPP. RE	QUEST FOR JUDICIAL NOTICE CASE NO. CV 07-03783

1	REQUEST FOR JUDICIAL NOTICE				
2	Defendants Universal Music Corp., Universal Music Publishing, Inc. and Universal Music				
3	Publishing Group ("Universal") respectfully request that the Court take judicial notice of an Apri				
4	17, 2007 letter from Viacom Deputy General Counsel Mark C. Morril to Fred von Lohmann of				
5	the Electronic Frontier Foundation, available at http://www.eff.org/cases/moveon-brave-new-				
6	films-v-viacom. A printout of the letter is attached as Exhibit A to this request. The letter is				
7	judicially noticeable under Federal Rule of Evidence 201, because it is "not subject to reasonable				
8	dispute in that it is capable of accurate and ready determination by resort to sources whose				
9	accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). The Court may take judicial				
10	notice of this matter without converting Universal's motion to dismiss into a motion for summary				
11	judgment. Mullis v. United States Bankruptcy Court, 828 F.2d 1385, 1388 (9th Cir. 1987); Intri-				
12	Plex Technologies, Inc. v. Crest Group, Inc., 499 F.3d 1048, 1052 (9th Cir. 2007).				
13	DATED: July 3, 2008 MUNGER, TOLLES & OLSON LLP				
14					
15	By: /s/ Kelly M. Klaus				
16	KELLY M. KLAUS				
17	Attorneys for Defendants UNIVERSAL MUSIC CORP.,				
18	UNIVERSAL MUSIC PUBLISHING, INC., and UNIVERSAL MUSIC PUBLISHING GROUP				
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REQUEST FOR JUDICIAL NOTICE

A printout of the letter is attached as Exhibit A to this request. The letter is ble under Federal Rule of Evidence 201, because it is "not subject to reasonable ... capable of accurate and ready determination by resort to sources whose easonably be questioned." Fed. R. Evid. 201(b). The Court may take judicial er without converting Universal's motion to dismiss into a motion for summary v. United States Bankruptcy Court, 828 F.2d 1385, 1388 (9th Cir. 1987); Intri-, Inc. v. Crest Group, Inc., 499 F.3d 1048, 1052 (9th Cir. 2007). 2008 MUNGER, TOLLES & OLSON LLP By: */s/ Kelly M. Klaus* KELLY M. KLAUS Attorneys for Defendants UNIVERSAL MUSIC CORP., UNIVERSAL MUSIC PUBLISHING, INC., and UNIVERSAL MUSIC PUBLISHING GROUP SUPP. REQUEST FOR JUDICIAL NOTICE - 1 -5417854.1 CASE NO. CV 07-03783

EXHIBIT A



BET Networks > Famous Music > MTV Networks > Paramount Pictures

Mark C. Morril Senior Vice President Deputy General Counsel

April 17, 2007

Fred von Lohmann, Esq. Electronic Frontier Foundation 454 Shotwell Street San Francisco CA 94110 fred@eff.org Facsimile: (415) 436-9993

Dear Fred:

Further to our earlier correspondence and conversations, I wanted to let you know that in addition to the language described in Mike Fricklas' letter of April 11, Viacom expects to add the following language to the area of its corporate website addressing fair use:

"Regardless of the law of fair use, we have not generally challenged users of Viacom copyrighted material where the use or copy is occasional and is a creative, newsworthy or transformative use of a limited excerpt for non commercial purposes."

Again, thanks for your thoughtful input.

Best regards.

Sincerely,

Neo

Mark C. Morril