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12 NDS Group PLC and NDS Americas, Inc.

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 Groupe Canal+ S.A., et al.,
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18 Plaintiffs,
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20 v.
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22 NDS Group PLC, et al.,
23
24 Defendants.

Case No. C02-01178 (VRW)

**DECLARATION OF JOSHUA
KUSSMAN IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS OR TRANSFER FOR
IMPROPER VENUE**

Judge: Hon. Vaughn R.
Walker

Date of Hearing:

25 I, JOSHUA KUSSMAN, hereby declare as follows:

26 1. I am a member in good standing of the Bar of the State of California and
27 associated with the law firm of O'Melveny & Myers LLP, counsel for NDS Group PLC
28 and NDS Americas, Inc. ("NDS"). The information set forth in this declaration is based
on my personal knowledge and the opinions stated are my true opinions.

2. According to records from the California Secretary of State, (a) Canal+ U.S.
Technologies, Inc. filed its articles of incorporation on December 15, 1999, and (b)
Canal+ U.S. Technologies, Inc. filed on September 14, 2001, an amendment to its articles
of incorporation to change its name to Canal+ Technologies, Inc. Attached hereto as

1 Kussman A is a true and correct copy of the referenced records from the California
2 Secretary of State.

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I declare under penalty of perjury under the laws of The United States of
America that the foregoing is true and correct and that this declaration was executed on
April 22, 2002, at San Francisco, California.

s/ Joshua Kussman

JOSHUA KUSSMAN

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