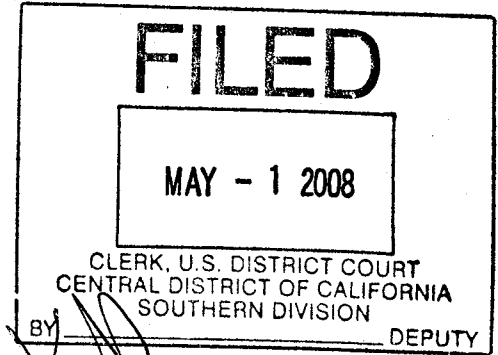


ORIGINAL

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Attorneys for Defendants
NDS GROUP PLC and NDS AMERICAS, INC.



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

ECHOSTAR SATELLITE CORP. et
al.,

Plaintiffs and Counterclaim
Defendants,

v.

NDS GROUP PLC et al.,

Defendants and Counterclaim
Plaintiffs.

Case No. SA CV 03-950 DOC (JTLx)

**REQUEST FOR JUDICIAL
NOTICE**

Date: April 30, 2008
Time:
Dept.: Courtroom 9D
Judge: Hon. David O. Carter

Defendants NDS Group PLC and NDS Americas, Inc. ("NDS") hereby
request the Court to take judicial notice of the following documents and facts:

REQUEST FOR JUDICIAL NOTICE OF:**CERTIFIED RECORDS OF 1431916 ONTARIO INC.**

NDS requests that the Court take judicial notice of the following certified public records of the corporation 1431916 Ontario, Inc:

- (a) **Articles of Incorporation**, dated July 26, 2000 (attached as **Exhibit A**)
- (b) **Articles of Amendment**, dated February 27, 2002 (attached as **Exhibit B**)
- (c) **Articles of Dissolution**, dated June 2, 2003 (attached as **Exhibit C**)¹

The certification of these records is attached as Exhibit D.

Courts routinely take judicial notice of certificates of incorporation and publicly filed documents. *See, e.g., In re Teledyne Defense Contracting Derivative Litigation*, 849 F. Supp. 1369, 1383 (C.D. Cal. 1993) (stating that the Court may take judicial notice of a certificate of incorporation); *Shurkin v. Golden State Vintners, Inc.*, 2005 WL 1926620, *6 (N.D. Cal. August 10, 2005) (stating that district courts routinely take judicial notice of public documents such as certificates of incorporation). As certified copies of public records, they are self-authenticating and therefore admissible under Federal Rule of Evidence 902(4).

The records are also admissible to establish that they identify Michael Manieri as the director, owner, and incorporator of 1431916 Ontario Inc. *Cf. Hal Roach Studios, Inc. v. Richard Feiner & Co.*, 896 F.2d 1542, 1551-53 (9th Cir. 1990) (corporate registration statement admissible to establish that plaintiff was successor to party to license agreement). They are admissible under the “catch-all” exception to the hearsay rule because they show circumstantial guarantees of trustworthiness and (1) are offered as evidence of a material fact, (2) are more probative on the point

¹ Copies of these documents were produced with the Bates numbers NDS167213 – NDS167223 when they were received.

1 for which they are offered than any other evidence that NDS could procure through
2 reasonable efforts, and (3) their admission serves the general purposes of the rules of
3 evidence and the interests of justice. *See id.* at 1552.

4
5
6 Dated: April 30, 2008

HOGAN & HARTSON, LLP

7
8 By 

9 **Richard L. Stone**

10 Attorneys for Defendants NDS GROUP PLC
11 and NDS AMERICAS, INC.
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Dated:

HOGAN & HARTSON, LLP

By _____

Attorneys for

Exhibit A

For Ministry Use Only
À l'usage exclusif duMinistry of
Consumer and
Commercial Relations
OntarioCERTIFICATE
This is to certify that these
articles are effective on

JULY 26 JUILLET 2000

Ministère de
la Consommation
et du Commerce
CERTIFICAT
Ceci certifie que les présents
statuts entrent en vigueur leOntario Corporation Number
Numéro de la compagnie en
Ontario

1431916

Trade Code A 10	Line No. 6 20	Dist. 6 20	Corp Type A 20	Method Incorp. 3 20
Share S 31	Reside N 32	Jurisdiction ONTARIO 47		

Director / Directeur
Business Corporations Act / Loi sur les sociétés par actionsARTICLES OF INCORPORATION
STATUTS CONSTITUTIFSForm 1
Business
Corporations
Act,
1982
Formule
numéro 1
Loi de 1982
sur les
compagnies

1. The name of the corporation is:
- Dénomination sociale de la compagnie:*

1431916	ONTARIO INC.
---------	--------------

2. The address of the registered office is:
- Adresse du siège social:*

521 Dunlop St. West, Unit #8

(Street & Number or R.R. Number & if Multi-Office Building give Room No.)
(Rue et numéro ou numéro de la R.R. et, s'il s'agit d'un édifice à bureaux, numéro du bureau)

Barrie, Ontario

(Name of Municipality or Post Office)
(Nom de la municipalité ou du bureau de poste)

L4M4S4

(Postal Code)
(Code postal)

Barrie

in

Simcoe

(Name of Municipality, Geographical Township)
(Nom de la municipalité, du canton)

dans la/le

(County, District, Regional Municipality)
(Comté, district, municipalité régionale)

3. Number (or minimum and maximum number) of
-
- directors is:
- Nombre (ou nombres minimal et maximal)
d'administrateurs:*

Minimum of One (1) and Maximum of Two (2).

4. The first director(s) is/are:
- Président(s) administrateur(s):*

First name, initials and surname
Prénom, initiales et nom deResidence address, giving street & No. or R.R. No. or
municipality and postal code.
Adresse personnelle, y compris la rue et le numéro, le
numéro de la R.R. ou, le nom de la municipalité et le codeResident
Canadian
State
Yes or No
Résident
Canadien
Où/rien

Michael Manieri

8 Somerset Blvd. Box 212
Oro Station, Ontario
L0L 2E0

Yes

5. Restrictions, if any, on business the corporation may carry on or on powers the corporation may exercise.

2.
Limites, s'il y a lieu, imposées aux activités commerciales ou aux pouvoirs de la compagnie.

NONE

6. The classes and any maximum number of shares that the corporation is authorized to issue.

Catégories et nombre maximal, s'il y a lieu, d'actions que la compagnie est autorisée à émettre:

- (a) An unlimited number of common shares without nominal or par value;
- (b) An unlimited number of preference shares without nominal or par value.

7. Rights, privileges, restrictions and conditions (if any) attaching to each class of shares and directors authority with respect to any class of shares which may be issued in series: *Droits, privilèges, restrictions et conditions, s'il y a lieu, rattachés à chaque catégorie d'actions et pouvoirs des administrateurs relatifs à chaque catégorie d'actions qui peut être émise en série:*

NOT APPLICABLE

8. The issue, transfer or ownership of shares is/est not restricted and the restrictions (if any) are as follows: L'émission, le transfert ou la propriété d'actions est/n'est pas restreinte. Les restrictions, s'il y a lieu, sont les suivantes:

The right to transfer shares of the Corporation shall be restricted in that no shares shall be transferred without:

- (a) the previous consent of the directors of the Corporation expressed by a resolution passed by the Board of Directors or by an instrument or instruments in writing signed by a majority of the directors; or
- (b) the previous consent of the holders of at least 51% of the shares for the time being outstanding expressed by resolution passed by the shareholders or by an instrument or instruments in writing signed by such shareholders.

9. Other provisions, if any, are:

Autres dispositions, s'il y a lieu.

NONE

10. The names and addresses of the
incorporators are
Nom et adresse des fondateurs

First name, initials and surname of corporate
name
Prenom, initiale et nom de famille ou
denomination sociale

Full residence address or address of registered
office or of principal place of business giving
street & No. or R.R. No., municipality and postal
code.

Adresse personnelle au complet, adresse du
siege social ou adresse de l'etablissement
principal, y compris la rue et le numero, le
numero de la R.R., le nom de la municipalite et
le code postal

Michael Manieri

8 Somerset Blvd. Box 212
Oro Station, Ontario
L0L 2E0

These articles are signed in duplicate

Les presents statuts sont signes en double
exemplaire.

Signatures of incorporators
(Signature des fondateurs)



Michael Manieri

Exhibit B

For Ministry Use Only
A l'usage exclusif du ministère

Ontario Corporation Number
Numéro de la société en Ontario

1431916

 Ministry of
Consumer and
Commercial Services

CERTIFICATE
This is to certify that these articles
are effective on

**Ministère des Services
aux consommateurs
et aux entreprises**

CERTIFICAT
Ceci certifie que les présents statuts
entrent en vigueur le

FEBRUARY 27 FÉVRIER 2002

Director / Directrice
Business Corporations Act / Loi sur les sociétés par actions

ARTICLES OF AMENDMENT STATUTS DE MODIFICATION

**Form 3
Business
Corporations
Act**

Formule 3
Loi sur les
sociétés par
actions

1. The name of the corporation is: *Dénomination sociale de la société:*

[illegible]

2. The name of the corporation is changed to (if applicable): *Nouvelle dénomination sociale de la société (s'il y a lieu):*

[illegible]

3. Date of incorporation/amalgamation: *Date de la constitution ou de la fusion:*

2000, JULY, 26

(Year, Month, Day)
(année, mois, jour)

4. The articles of the corporation are amended as follows:

Section 9 - Other Provision

The word 'None' is deleted.

The following is added:

- (a) The number of shareholders of the Corporation, exclusive of persons who are in it's employment and exclusive of persons who, having been formerly in the employment of the Corporation, were, while in that employment, and have continued after the termination of that employment to be, shareholders of the Corporation, is limited to not more than 50, 2 or more persons who are the joint registered owners of one or more shares being counted as one shareholder.
- (b) Any invitation to the public to subscribe for securities of the Corporation is prohibited.

Form 3
Business
Corporations
Act

Formule 3
Loi sur les
sociétés par
actions

5. The amendment has been duly authorized as required by Sections 168 & 170 (as applicable) of the Business Corporations Act.

La modification a été dûment autorisée conformément aux articles 168 et 170 (selon le cas) de la Loi sur les sociétés par actions.

6. The resolution authorizing the amendment was approved by the shareholders/directors (as applicable) of the corporation on

Les actionnaires ou les administrateurs (selon le cas) de la société ont approuvé la résolution autorisant la modification le

(Year, Month, Day)
(année, mois, jour)

These articles are signed in duplicate.

Les présents statuts sont signés en double exemplaire.

1431916 ONTARIO INC.

(Name of Corporation)
(Dénomination sociale de la société)

By:/Par:

(Signature)
(Signature)

DIRECTOR

(Description of Office)
(Fonction)

RESOLUTIONS OF THE SOLE DIRECTOR

of

1431916 ONTARIO INC.

(hereinafter called the "Corporation")

The undersigned, being the sole director of the Corporation, hereby consents, pursuant to the Business Corporations Act, to the following resolutions:

RESOLVED that the attached 'Articles of Amendment' amending paragraphs 9 is hereby approved for submission to the Ministry.

DATED the day of

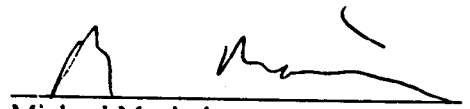


Michael Manieri

Exhibit C



 Ministry of
Consumer and
Internal Business Services

CERTIFICATE

This is to certify that these articles
are effective on

Ministère des Services
aux consommateurs
et aux entreprises

CERTIFICATE

Ceci confirme que les présents statuts entrent en vigueur /2

Ontario Corporation Number
Numéro de la société en Ontario

1431916

JUNE..... 02 JUIN. 2003

[Signature]

Director / Directeur
Business Corporations Act / Loi sur les sociétés par actions

**Form 10
Business
Corporations
Act**

Formule 10
Loi sur les
sociétés par
actions

ARTICLES OF DISSOLUTION STATUTS DE DISSOLUTION

1. The name of the corporation is:

Dénomination sociale de la société:

1 4 3 1 9 1 6 O N T A R I O I N C .

2. Date of incorporation/amalgamation:

Date de la constitution ou de la fusion:

2000, JULY 26

(Year, Month, Day)
(année, mois, jour)

3. The dissolution has been duly authorized under clause 237(a) or (b) (as applicable) of the Business Corporations Act.

La dissolution de la société a été dûment approuvée aux termes de l'alinéa 237(a) ou (b) (les cas échéant) de la Loi sur les sociétés par actions.

4. The corporation has,

(A) no debts, obligations, or liabilities;

(B) duly provided for its debts, obligations or liabilities in accordance with subsection 238(3) of the Business Corporations Act;

(C) obtained consent to its dissolution from its creditors or other persons having interests in its debts, obligations or liabilities.

La société, selon le cas:

(A) n'a ni dettes, ni obligations, ni passif:

(B) a pourvu à ses dettes, à ses obligations ou à son passif conformément au paragraphe 238(3) de la Loi sur les sociétés par actions;

(C) a obtenu de ses créanciers ou des autres intéressés à ses dettes, ses obligations ou à son passif, le consentement à sa dissolution.

5. After satisfying the interests of creditors in all its debts, obligations, and liabilities, if any, the corporation has:

(A) no property to distribute among its shareholders;
or

(B) distributed its remaining property rateably among its shareholders according to their rights and interests in the corporation or in accordance with subsection 238(4) of the Business Corporations Act where applicable.

**Après avoir désintéressé tous ses créanciers s'il y a lieu,
la société, selon le cas:**

(A) n'a plus de biens à répartir entre ses actionnaires;

(B) a réparti les biens qui lui restaient entre ses actionnaires au prorata de leurs droits dans la société ou conformément au paragraphe 238(4) de la Loi sur les sociétés par actions, s'il y a lieu.

6. There are no proceedings pending in any court against the corporation.

Aucune instance n'est en cours contre la société.

7. The corporation has obtained the consent of the Corporations Tax Branch of the Ministry of Finance to the dissolution and has filed all notices and returns required under the Corporations Information Act.

La Direction de l'imposition des corporations du ministère des Finances a approuvé la dissolution de la société. La société a déposé tous les avis requis par la Loi sur les renseignements exigés des personnes morales.

These articles are signed in duplicate.

Les présents statuts sont signés en double exemplaire.

1431916 ONTARIO INC.

(Name of Corporation)
(Dénomination sociale de la société)

By/Par:

(Signature)
(Signature)

DIRECTOR

(Description of Office)
(Fonction)

Form 10
Business
Corporations
Act

Formule 10
Loi sur les
sociétés par
actions

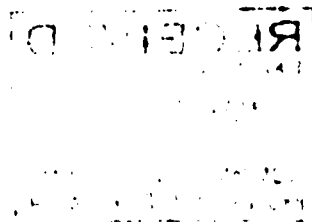


Exhibit D

Ministry of
Government Services
Registration Division
Companies and Personal
Property Security Branch
393 University Ave, Suite 200
Toronto ON M5G 2M2

Ministère des
Services gouvernementaux
Division de l'enregistrement
Direction des compagnies et
des sûretés mobilières
393, av. University, bureau 200
Toronto ON M5G 2M2



Certified as a true copy of Copie certifiée conforme de
microfiches) from the records of the microfilm extractions of the
Companies and Personal Property de la Direction des compagnies
Security Branch of the Province of et des sûretés mobilières de la
Ontario. Province de l'Ontario.
Certified on Copie certifiée conforme la

APR 22 2003

071028 (08/2006)

Director
Companies and Personal
Property Security Branch
Ministry of
Government Services
Toronto, Ontario

Directrice
Direction des compagnies et
des sûretés mobilières
Ministère des
Services gouvernementaux
Toronto, Ontario

143-1219

