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16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 **DR. SEUSS ENTERPRISES, L.P.,**

19 Plaintiff,

20 v.

21 **COMICMIX LLC; GLENN**
22 **HAUMAN; DAVID JERROLD**
23 **FRIEDMAN a/k/a DAVID**
24 **GERROLD; and TY TEMPLETON,**

25 Defendants.

Case No. 3:16-cv-02779-JLS-BGS

**AFFIDAVIT OF DAN BOOTH IN
SUPPORT OF COMICMIX LLC'S
REQUEST FOR JUDICIAL NOTICE
PURSUANT TO FED. R. EVID. 201**

Assigned to Hon. Janis L. Sammartino
United States District Judge

Hearing Date: March 16, 2017
Hearing Time: 10:00 a.m.
Hearing Place: Schwartz Courthouse,
Courtroom 4A

26 I, Dan Booth, declare pursuant to 28 U.S.C. § 1746 as follows:

- 27 1. I am counsel for the defendant ComicMix LLC (“ComicMix”) in this action. I
28 make this affidavit on my own personal knowledge.
2. Exhibit 1 to ComicMix’s Request for Judicial Notice (“RJN”) is, upon
information and belief, a true and correct copy of screenshots reflecting the
content of ComicMix’s Kickstarter campaign page as it appeared on or shortly
after September 30, 2016, but before October 7, 2016. The screenshots were
taken and provided to me by Glenn Hauman of ComicMix.

3. Exhibit 2 to the RJN is a copy of a screenshot I took of a page on Kickstarter's website reflecting the DMCA takedown notice that DSE sent to Kickstarter as it appeared on the website on December 16, 2016.
4. Exhibit 3 to the RJN is a copy of a screenshot I took of a page on Kickstarter's website where the Kickstarter campaign webpage address redirected as of December 16, 2016.
5. Exhibit 4 to the RJN is a copy of a letter I sent to DSE's counsel on or about October 28, 2016.
6. Exhibit 5 to the RJN is a copy of ComicMix's unpublished book, *Oh, the Places You'll Boldly Go!*, which I transmitted to DSE's counsel on or about October 28, 2016.
7. Exhibit 6 to the RJN is a copy of the Dr. Seuss book, *Oh, the Places You'll Go!*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 16, 2016

/s/ Dan Booth

CERTIFICATE OF SERVICE

I hereby certify that on this December 19, 2016 I electronically filed the foregoing document by using the Court's ECF system, thereby causing a true copy thereof to be served upon counsel of record for each party to have appeared to date, as identified on the Notice of Electronic Filing.

/s/ Michael Licari