

SOFTWARE FREEDOM LAW CENTER, INC.

Daniel B. Ravicher (DR1498)

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Attorneys for Plaintiffs *Software Freedom Conservancy, Inc.* and *Erik Andersen*

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----	X
SOFTWARE FREEDOM CONSERVANCY, INC. and	:
ERIK ANDERSEN,	:
	:
Plaintiffs,	:
-against-	:
	:
BEST BUY CO., INC., SAMSUNG ELECTRONICS	:
AMERICA, INC., WESTINGHOUSE DIGITAL	:
ELECTRONICS, LLC, JVC AMERICAS	:
CORPORATION, WESTERN DIGITAL	:
TECHNOLOGIES, INC., ROBERT BOSCH LLC,	:
PHOEBE MICRO, INC., HUMAX USA INC.,	:
COMTREND CORPORATION, DOBBS-STANFORD	:
CORPORATION, VERSA TECHNOLOGY INC.,	:
ZYXEL COMMUNICATIONS INC., ASTAK INC.,	:
and GCI TECHNOLOGIES CORPORATION,	:
	:
Defendants.	:
-----	X

ECF CASE

09-CV-10155 (SAS)

**NOTICE OF PLAINTIFFS'  
MOTION FOR DEFAULT, OR  
IN THE ALTERNATIVE,  
SUMMARY JUDGMENT  
AGAINST DEFENDANT  
WESTINGHOUSE DIGITAL  
ELECTRONICS, LLC**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support

of Plaintiffs' Motion for Default Judgment, or in the Alternative, Summary Judgment; Plaintiffs' Rule 56.1 Statement of Material Facts; the Declaration of Erik Andersen, dated June 1, 2010, and Exhibits 1-2 annexed thereto; the Declaration of Bradley M. Kuhn, dated June 3, 2010, and Exhibits 1-3 annexed thereto; the Declaration of Daniel B. Ravicher, dated June 3, 2010, and Exhibits 1-4 annexed thereto; and on all the prior proceedings and matters of record in this case, plaintiffs Software Freedom Conservancy, Inc. and Erik Andersen will move the court before the Honorable Shira A. Scheindlin, United States District Court Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an order granting default judgment, or in the alternative, summary judgment in favor of the Plaintiffs against Defendant Westinghouse Digital Electronics, LLC pursuant to Federal Rules of Civil Procedure 37 and 56. Upon entry of judgment, Plaintiffs will also seek the entry of an award of (i) permanent injunctive relief, (ii) damages, (iii) reasonable attorneys' fees and costs, and (iv) any such further relief as the court may deem just and proper.

PLEASE TAKE NOTICE that pursuant to the schedule set by the court at the May 20<sup>th</sup> pre-trial conference in this matter, any opposing papers or answering memoranda are to be served by June 17, 2010.

Dated: June 3, 2010  
New York, New York

Respectfully submitted,  
SOFTWARE FREEDOM LAW CENTER, INC.

By: s/ Daniel B. Ravicher

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