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15 Attorneys for Plaintiff  
16 N4D, LLC

17 UNITED STATES DISTRICT COURT  
18 SOUTHERN DISTRICT OF CALIFORNIA

19 N4D, LLC,

20 Plaintiff,

21 vs.

22 LEGEND3D, INC. f/k/a LEGEND  
23 FILMS, INC., BARRY B. SANDREW,  
24 CHARLES GREGORY PASSMORE  
25 a/k/a GREG PASSMORE, and BIRD  
26 ROCK MULTIMEDIA, INC. d/b/a  
27 PASSMORE LABS and/or Z MEDIA,

28 Defendants.

Case No. 3:13-CV-02656-BEN-NLS

**DECLARATION OF MARIO  
MOORE IN SUPPORT OF  
PLAINTIFF N4D, LLC'S  
OPPOSITION TO  
DEFENDANTS' MOTION TO  
DISMISS FOR LACK OF  
SUBJECT-MATTER  
JURISDICTION OR  
ALTERNATIVELY STAY  
ACTION**

**Date: January 27, 2014  
Time: 10:30 am  
Courtroom: 5A  
Judge: Hon. Roger T. Benitez**

1 I, Mario Moore, hereby declare as follows:

2 1. I am of counsel at Morgan, Lewis & Bockius LLP, and I represent the  
3 Plaintiff N4D, LLC in this matter. The facts set forth herein are within my personal  
4 knowledge based upon the documents attached to this declaration.

5 2. Attached hereto as **Exhibit 1** is a true and correct copy of a  
6 November 6, 2013 letter from Danna Cotman to Michael Farley.

7 3. Attached hereto as **Exhibit 2** is a true and correct copy of a  
8 November 15, 2013 letter from Philip Dyson to Mario Moore.

9 4. Attached hereto as **Exhibit 3** is a true and correct copy of a  
10 November 26, 2013 letter from James Glenn to Danna Cotman.

11 5. Attached hereto as **Exhibit 4** is a true and correct copy of a  
12 November 26, 2013 letter from James Glenn to Philip Dyson.

13 6. Attached hereto as **Exhibit 5** is a true and correct copy of the March 4,  
14 2010 interview with Barry Sandrew.

15 7. Attached hereto as **Exhibit 6** is a true and correct copy of an excerpt of  
16 an instant message discussion regarding converting StereoMaker into Synth3D.

17 8. Attached hereto as **Exhibit 7** is a true and correct copy of the July 28,  
18 2009 Technology Cross License Agreement.

19 9. Attached hereto as **Exhibit 8** is a true and correct copy of the Sandrew  
20 patents filing receipts.

21 10. Attached hereto as **Exhibit 9** is a true and correct copy of the  
22 International 3D Society 3D Technology Awards 2012 Submission form re Barry  
23 Sandrew.

24 11. Attached hereto as **Exhibit 10** is a true and correct copy of the Order  
25 on Plaintiff's and Defendants' Motions for Summary Judgment dated October 1,  
26 2013 for Case No. 10-A-11197-7.

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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.

Executed on this 13th day of January, 2014, at Irvine, California.

\_\_\_\_\_  
s/ Mario Moore  
Mario Moore

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# EXHIBIT 1

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