

1 Katherine J. Ellena (SBN 324160)
kellena@reedsmith.com
2 Valentino Gorospe IV (SBN 352854)
Vgorospe@reedsmith.com
3 REED SMITH LLP
515 South Flower Street, Suite 4300
4 Los Angeles, CA 90071-1514
Telephone: +1 213 457 8000
5 Facsimile: +1 213 457 8080

6 Michael B. Galibois (*pro hac vice*)
mgalibois@reedsmith.com
7 Emily Graue (*pro hac vice*)
egraue@reedsmith.com
8 Reed Smith LLP
10 South Wacker Drive, 40th Floor
9 Chicago, IL 60606-7507
Telephone: +1 312.207 1000
10 Facsimile: +1 312.207 6400

11 *Attorneys for Defendant,*
Rokoko Electronics, *et al.*

12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15
16 MATTHEW R. WALSH
17 Plaintiff,
18 vs.
19 ROKOKO ELECTRONICS, and
DOES 1 through 50, inclusive,
20 Defendant.

Case No.: 2:25-cv-05340-ODW-RAO

[Assigned to Hon. Otis D. Wright, II,
Courtroom 5D]

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF DEFENDANT
ROKOKO ELECTRONICS'
MOTION TO DISMISS
COMPLAINT**

Date: March 9, 2026
Time: 1:30 p.m.
Place: Dept. 5D

[Concurrently Filed With Notice of
Motion; Memorandum of Points and
Authorities; and [Proposed] Order]

State Court Action Filed: May 12, 2025
Removal Date: June 12, 2025
Trial Date: March 9, 2027

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1 **TO THE HONORABLE COURT, THE CLERK, AND PLAINTIFF**
2 **APPEARING PRO SE:**

3 In accordance with Federal Rule of Evidence 201, Defendant Rokoko Electronics
4 (“Rokoko”) requests that the Court take judicial notice of the documents attached hereto
5 as Exhibits 1-5. The following is a description of each exhibit:

- 6 • Exhibit 1 is a purchase order for a Smartsuit Pro by Plaintiff,
7 created on August 28, 2020 and fulfilled on September 18, 2020.
- 8 • Exhibit 2 is a purchase order for Smartgloves by Plaintiff, created
9 on September 10, 2020 and fulfilled on December 18, 2020 and
10 December 23, 2020.
- 11 • Exhibit 3 is a purchase order for a repair kit for the Smartsuit Pro
12 by Plaintiff, created on April 7, 2023 and fulfilled on April 11,
13 2023.
- 14 • Exhibit 4 is Rokoko’s License Agreement.
- 15 • Exhibit 5 is the copyright registration for Plaintiff’s videogame
16 The Next World.

17 **BASIS FOR REQUESTING JUDICIAL NOTICE**

18 Federal Rule of Evidence 201 provides that a court may take judicial notice of
19 adjudicative facts, which are “either (1) generally known within the territorial
20 jurisdiction of the trial court or (2) capable of accurate and ready determination by resort
21 to sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b).
22 Where a party requests and supplies the court with the necessary information, the court
23 shall take judicial notice of the requested facts. *Id.*, 201(d). A “court may take judicial
24 notice of facts outside the pleadings,” including facts that are matters of public record.
25 *Intermedics, Inc. v. Ventritext, Inc.*, 775 F. Supp. 1258, 1261 (N.D. Cal. 1991). Matters
26 properly the subject of judicial notice may be considered in ruling on a Rule 12(b)(6)
27 motion. *Barron v. Reich*, 13 F.3d 1370, 1377 (9th Cir. 1994).

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1 Documents that are incorporated by reference into a complaint, as Exhibits 1
2 through 4, are the proper subject of judicial notice on a motion to dismiss. *See Knieval*
3 *v. ESPN*, 393 F.3d 1068, 1076 (9th Cir. 2005) (noting that a court may consider exhibits
4 attached to a motion to dismiss which are: (1) central to the plaintiff’s claim; and (2)
5 undisputed); *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 1003 (9th Cir. 2018);
6 *Marder v. Lopez*, 450 F.3d 445, 448 (9th Cir. 2006). Exhibits 1-3 are Plaintiff’s
7 purchase orders from Rokoko that are incorporated by reference into the Amended
8 Complaint. *See* Am. Compl., 1:12-2:19. Exhibit 4 is Rokoko’s License Agreement,
9 which is also incorporated by reference into the Amended Complaint. *See* Am. Compl.
10 5:88-6:101; ECF No. 114-1, Ex. 44, pp. 147-149.

11 Exhibit 5 is the copyright registration for The Next World. *See* Am. Compl. 2:36-
12 3:41. The information in Exhibit 5 is a matter of public record, is capable of ready
13 determination and its accuracy cannot reasonably be questioned. Courts routinely take
14 judicial notice of documents publicly posted on government websites. *Gerritsen v.*
15 *Warner Bros. Entm’t Inc.*, 112 F. Supp. 3d 1011, 1033 (C.D. Cal. 2015) (noting that,
16 under Rule 201, a “court can take judicial notice of ‘[p]ublic records and government
17 documents available from reliable sources on the Internet,’ such as websites run by
18 governmental agencies.”) (internal citations omitted).

19 Accordingly, Rokoko respectfully requests that this Court take judicial notice of
20 Exhibits 1 through 5 accompanying this Request for Judicial Notice.

22 DATED: January 27, 2026

REED SMITH LLP

By: /s/ Katherine J. Ellena
Katherine J. Ellena
Michael Galibois (*pro hac vice*)
Emily Graue (*pro hac vice*)
Valentino Gorospe IV

Attorneys for Defendant
Rokoko Electronics