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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO

15
16 OPEN SOURCE SECURITY, INC.,
17 Plaintiff,
18 v.
19 BRUCE PERENS, and Does 1-50,
20 Defendants.

Case No. 3:17-cv-04002-LB

**[PROPOSED] ORDER GRANTING
DEFENDANT'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
MOTION TO DISMISS WITH
PREJUDICE PURSUANT TO FED. R.
CIV. P. 12(b)(6) AND SPECIAL
MOTION TO STRIKE PURSUANT TO
THE CALIFORNIA ANTI-SLAPP
STATUTE, CODE OF CIVIL
PROCEDURE SECTION 425.16**

Hearing Date: October 26, 2017
Time: 9:30 a.m.
Location: Courtroom C, 15th Floor
Judge: Hon. Laurel Beeler

[PROPOSED] ORDER

1
2 The Court, having considered all of the papers submitted in support and in opposition to
3 Defendant Bruce Perens’s (“Defendant”) Request for Judicial Notice in Support of Motion to
4 Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) and Special Motion to Strike
5 Pursuant to the California Anti-SLAPP Statute, as well as argument of counsel, hereby GRANTS
6 Defendant’s motion.

7 The Court takes judicial notice of the following documents in support of Defendant’s
8 Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) and Special Motion to
9 Strick Pursuant to California anti-SLAPP Statute:

10 1. An August 8, 2016 memorandum issued by the Executive Office of the President,
11 Office of Management and Budget titled “Federal Source Code Policy: Achieving Efficiency,
12 Transparency, and Innovation through Reusable and Open Source Software.”

13 2. An October 16, 2009 memorandum issued by the United States Department of
14 Defense Chief Information Officer titled “Clarifying Guidance Regarding Open Source Software
15 (OSS).”

16 3. A webpage published and maintained by the United States Department of Defense
17 Chief Information Officer titled “DoD Open Source Software (OSS) FAQ,” available at
18 <http://dodcio.defense.gov/Open-Source-Software-FAQ/>.

19 **IT IS SO ORDERED.**

20 Dated: _____

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22 The Honorable Laurel Beeler
23 United States Magistrate Judge
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