

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

REDBOX AUTOMATED RETAIL, LLC,

Plaintiff

v.

Civil Action No. 08-766 (RBK)

UNIVERSAL STUDIOS HOME
ENTERTAINMENT, LLC, UNIVERSAL
CITY STUDIOS, LLLP, UNIVERSAL CITY
STUDIOS PRODUCTIONS, LLLP, and
FOCUS FEATURES, LLC,

Defendants.

**DEFENDANTS' MOTION TO CERTIFY AUGUST 17, 2009 ORDER
FOR § 1292(B) INTERLOCUTORY APPEAL**

Universal Studios Home Entertainment LLC, Universal City Studio LLLP, Universal City Studios Productions LLLP, and Focus Features LLC (collectively "Universal") respectfully request that the Court certify for interlocutory appellate review under 28 U.S.C. § 1292(b) the Court's August 17, 2009 Order (the "August 17 Order") granting in part and denying in part Universal's Motion to Dismiss plaintiff Redbox Automated Retail, LLC's ("Redbox") First Amended Complaint ("FAC"). The grounds for this motion are fully set forth in Universal's concurrently-filed supporting brief.

Respectfully submitted,

OF COUNSEL:

Glenn D. Pomerantz, Bar No. 112503
David C. Dinielli, Bar No. 177904
Munger, Tolles & Olson LLP
355 South Grand Avenue
Thirty-Fifth Floor
Los Angeles, CA 90071-1560

Paul H. Zoubek
(PA Bar I.D. No. 36716)
R. Monica Hennessy
(PA Bar I.D. No. 77928)
**Montgomery McCracken, Walker &
Rhoads, LLP**
Liberty View
457 Haddonfield Road, Suite 600
Cherry Hill, NJ 08002
(856) 488-7700

Dated: September 30, 2009

/s/ R. Montgomery Donaldson

R. Montgomery Donaldson (DE Bar ID 4367)

rdonaldson@mmwr.com

Lisa Zwally Brown (DE Bar ID 4328)

lzbrown@mmwr.com

**Montgomery, McCracken, Walker &
Rhoads, LLP**

1105 N. Market St., Suite 1500

Wilmington, DE 19801

(302) 504-7800

Counsel for Defendants Universal Studios

Home Entertainment, LLC, Universal City

Studios, LLLP, Universal City Studios

Productions, LLLP, and Focus Features, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

REDBOX AUTOMATED RETAIL, LLC,

Plaintiff

v.

UNIVERSAL STUDIOS HOME
ENTERTAINMENT, LLC, UNIVERSAL
CITY STUDIOS, LLLP, UNIVERSAL CITY
STUDIOS PRODUCTIONS, LLLP, and
FOCUS FEATURES, LLC,

Defendants.

Civil Action No. 08-766 (RBK)

**DEFENDANTS' [PROPOSED] ORDER GRANTING MOTION TO CERTIFY
AUGUST 17, 2009 ORDER FOR § 1292(B) INTERLOCUTORY APPEAL**

AND NOW on this _____ day of _____, 2009, upon consideration of Defendants' Motion to Certify August 17, 2009 Order for § 1292(b) Interlocutory Appeal, and any and all responses thereto, it is hereby

ORDERED that Defendants' motion is GRANTED.

Robert B. Kugler
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

REDBOX AUTOMATED RETAIL, LLC,

Plaintiff

v.

Civil Action No. 08-766 (RBK)

UNIVERSAL STUDIOS HOME
ENTERTAINMENT, LLC, UNIVERSAL
CITY STUDIOS, LLLP, UNIVERSAL CITY
STUDIOS PRODUCTIONS, LLLP, and
FOCUS FEATURES, LLC,

Defendants.

CERTIFICATE OF SERVICE

I, Lisa Zwally Brown, hereby certify that a true and correct copy of **Defendants' Motion To Certify August 17, 2009 Order For § 1292(B) Interlocutory Appeal** was filed electronically and are available for viewing and downloading from the ECF system:

Henry E. Gallagher, Jr., Esquire
hgallagher@cblh.com

George E. Dougherty, Esquire
gdougherty@grippolden.com

Date: September 30, 2009

/s/ Lisa Zwally Brown
R. Montgomery Donaldson (DE Bar ID 4367)
rdonaldson@mmwr.com
Lisa Zwally Brown (DE Bar ID 4328)
lzbrown@mmwr.com
**MONTGOMERY, MCCrackEN,
WALKER & RHOADS, LLP**
1105 N. Market St, Suite 1500
Wilmington, DE 19801
(302) 504-7800

*Counsel for Defendants Universal Studios Home
Entertainment, LLC, Universal City Studios, LLLP,
Universal City Studios Productions, LLLP, and
Focus Features, LLC*