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6 Attorneys for Plaintiff  
USA TECHNOLOGIES, INC.

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT  
10 SAN FRANCISCO DIVISION

11 USA TECHNOLOGIES, INC.,  
12 Plaintiff-Respondent,  
13 v.  
14 JOHN DOE, a.k.a., "STOKKLERK,"  
15 et al.,  
16 Defendant-Movant.

Case No. CV 09-80 275 MISC (SI)

**USA TECHNOLOGIES, INC.'S  
OBJECTIONS TO EVIDENCE  
SUBMITTED BY JOHN DOE,  
A.K.A. STOKKLERK, WITH ITS  
REPLY BRIEF**

Date: December 18, 2009  
Time: 9:00 a.m.  
Courtroom: 10, 19th Floor  
Judge: Hon. Susan Illston

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20 PLEASE TAKE NOTICE that USA TECHNOLOGIES, INC. ("USAT")  
21 hereby objects to the evidence offered by John Doe, a.k.a., Stokklerk ("Stokklerk")  
22 with his reply brief as follows:

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24 Supplemental Declaration of Matthew Zimmerman, Para. 1 and 4, and Exhibit 3.

25 USAT objects to Stokklerk's introduction of "press releases issued by SAVE,  
26 Shareholder Advocates for Value Enhancement, as listed on SAVE web site,"  
27 attested to by Stokklerk's attorney, Matthew Zimmerman. This evidence is not  
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1 submitted by a declarant with personal knowledge or adequate foundation as  
2 required by Federal Rules of Evidence 602 and 901. This evidence is also  
3 inadmissible hearsay barred by Federal Rule of Evidence 802. USAT may not  
4 timely respond to this purported evidence because Stokklerk submitted it with its  
5 reply brief.

6 Supplemental Declaration of Matthew Zimmerman, Para. 1 and 5, and Exhibit 4.

7       Objection to “all of the other posts in the individual threads in which  
8 Defendant’s statements were made,” attested to by Stokklerk’s attorney, Matthew  
9 Zimmerman. The posts which Stokklerk has submitted with his reply brief are  
10 purportedly made by third parties to this litigation, they are unauthenticated  
11 hearsay, and USAT has not had the opportunity to verify their relevance or  
12 accuracy, or to provide a written response.

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14 DATED: December 14, 2009

Respectfully submitted,  
SCHIFF HARDIN LLP

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17 By: /s/ Alex Catalona  
18 Alex P. Catalona, (Bar No. 200901)  
Attorneys for Plaintiff  
USA TECHNOLOGIES, INC.

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**Certificate of Service**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service were served the 14<sup>th</sup> day of December, 2009, with a copy of **USA TECHNOLOGIES, INC.’S OBJECTIONS TO EVIDENCE SUBMITTED BY JOHN DOE, A.K.A. STOKKLERK, WITH ITS REPLY BRIEF** via the Court’s CM/ECF system. I certify that all parties in this case are represented by counsel who are CM/ECF participants.

DATED: December 14, 2009

SCHIFF HARDIN LLP

By: /s/ Alex Catalona  
Alex P. Catalona, (Bar No. 200901)  
Attorneys for Plaintiff  
USA TECHNOLOGIES, INC.

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