

1 Alan Gura, Calif. Bar No.: 178221
2 Gura & Possessky, PLLC
3 101 N. Columbus St., Suite 405
4 Alexandria, VA 22314
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986
7 Law Offices of Donald Kilmer, A.P.C.
8 1645 Willow Street, Suite 150
9 San Jose, CA 95125
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250
12 Davis & Associates
13 27201 Puerta Real, Suite 300
14 Mission Viejo, CA 92691
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,)	
20)	<u>EXHIBIT N</u>
21	v.)	
22)	In Support of Plaintiffs' Motion
23	Stephen Lindley,)	For Summary Judgment
24	Defendant.)	
25	_____)	

26 Respectfully October 24, 2013,


27 Alan Gura, Calif. Bar No.: 178221
28 Gura & Possessky, PLLC
101 N. Columbus St., Suite 405
Alexandria, VA 22314
703.835.9085/Fax 703.997.7665

Jason A. Davis, Calif. Bar No.: 224250
Davis & Associates
27201 Puerta Real, Suite 300
Mission Viejo, CA 92691
949.310.0817/Fax 949.288.6894

Donald E.J. Kilmer, Jr., Calif. Bar No. 179986
Law Offices of Donald Kilmer, A.P.C.
1645 Willow Street, Suite 150
San Jose, CA 95125
408.264.8489/Fax 408.264.8487
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs

Kamala D. Harris, Attorney General

California Department of Justice DIVISION OF LAW ENFORCEMENT Larry J. Wallace, Director	 INFORMATION BULLETIN			
<i>Subject:</i> Certification of Microstamping Technology pursuant to Penal Code section 31910, subdivision (b)(7)(A)	<table border="1" style="width: 100%;"> <tr> <td data-bbox="787 415 998 483"> <i>No:</i> 2013-BOF-03 </td> <td data-bbox="998 415 1425 613" rowspan="2" style="text-align: center;"> <i>Contact for information:</i> Bureau of Firearms </td> </tr> <tr> <td data-bbox="787 483 998 613"> <i>Date:</i> May 17, 2013 </td> </tr> </table>	<i>No:</i> 2013-BOF-03	<i>Contact for information:</i> Bureau of Firearms	<i>Date:</i> May 17, 2013
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<i>Date:</i> May 17, 2013				

TO: California Licensed Firearms Dealers, California Department of Justice Certified Laboratories, Firearm Manufacturers with Firearms listed on the Roster of Handguns Certified for Sale in California, and all other interested persons/entities

The purpose of this bulletin is to inform California licensed firearms dealers, California Department of Justice certified laboratories, firearm manufacturers with firearms listed on the Roster of Handguns Certified for Sale in California, and all other interested persons/entities of the Department of Justice's certification on May 17, 2013 pursuant to Penal Code section 31910, subdivision (b)(7)(A) that the microstamping technology is available to more than one manufacturer unencumbered by any patent restrictions.

Background

In 2007, Assembly Bill 1471 was passed and signed into law, requiring all semiautomatic pistols to be equipped with microstamping technology—"a microscopic array of characters that identify the make, model, and serial number of the pistol, etched or otherwise imprinted in two or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired." (Pen. Code, § 31910, subd. (b)(7)(A).) The legislation further provided that this requirement becomes effective when the Department of Justice "certifies that the technology used to create the [microstamp] imprint is available to more than one manufacturer unencumbered by any patent restrictions." (*Ibid.*)

Certification of the Microstamping Technology

On May 17, 2013, the Department of Justice issued a certification that the microstamping technology is available to more than one manufacturer unencumbered by any patent restrictions. A copy of the certification is attached to this bulletin.

Effect of the Department's Certification

Following the issuance of the Department of Justice's certification, the provisions of Penal Code section 31910, subdivision (b)(7)(A) are in immediate effect. Therefore, to be listed on the Roster of Handguns Certified for Sale in California, a semiautomatic pistol must be equipped with microstamping technology—i.e., a microscopic array of characters that identify the make, model, and serial number of the pistol, etched or otherwise imprinted in two or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired. (Pen. Code, § 31910, subd. (b)(7)(A).) Semiautomatic pistols already listed on the Roster of Handguns Certified for Sale in California will remain on the roster and need not incorporate the microstamping technology provided that the firearms comply with Penal Code sections 32015, 32020, and 32030.

Also, please consult the Department's regulations for more information regarding how microstamping technology should be incorporated within all semi-automatic pistols and tested for compliance with Penal Code section 31910, subdivision (b)(7)(A). (See Cal. Code Regs., tit. 11, §§ 4046 et seq.) A link to a copy of the applicable regulations can be found at the following website: <http://oag.ca.gov/firearms>.

For any questions regarding the Roster of Handguns Certified for Sale in California and/or the certification of microstamping technology, please contact Leslie McGovern at (916) 227-4024 or leslie.mcgovern@doj.ca.gov.

Sincerely,



STEPHEN J. LINDLEY, Chief
Bureau of Firearms

For KAMALA D. HARRIS
Attorney General



STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL
ROCHELLE C. EAST
CHIEF DEPUTY ATTORNEY GENERAL, LEGAL AFFAIRS

**CERTIFICATION UNDER
CALIFORNIA PENAL CODE § 31910, SUBDIVISION (b)(7)(A)**

Under California Penal Code § 31910, subdivision (b)(7)(A), a semiautomatic pistol not already listed on the firearm roster pursuant to California Penal Code § 32015 is an "unsafe handgun" unless it is "designed and equipped with a microscopic array of characters that identify the make, model, and serial number of the pistol, etched or otherwise imprinted in two or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired, provided that the Department of Justice certifies that the technology used to create the imprint is available to more than one manufacturer unencumbered by any patent restrictions."

The California Department of Justice has conducted a review of the known and available patent restrictions applicable to the microscopic-imprinting technology described in § 31910, subdivision (b)(7)(A). Based on this review, the Department certifies that, as of May 17, 2013, this technology is available to more than one manufacturer unencumbered by any patent restrictions.


Rochelle C. East
Chief Deputy Attorney General