

1 acts at issue in this matter. The Clerk of the Court issued the subpoena under the provisions of 17
2 U.S.C. § 512(h). The clerked opened a miscellaneous matter captioned *In re Io Group, Inc.*, and
3 assigned the number C-07-80228-MISC. On plaintiff's notice, this Court related the miscellaneous
4 matter to this matter on October 15, 2007.
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6 4. Ning has produced a limited response identifying ip addresses for five of the
7 twenty-two identified users. I am in communication with Ning, Inc.'s inside and outside counsel,
8 who report that Ning is diligently attempting to provide a more complete list of ip addresses but
9 has been delayed due to technical difficulties and limited resources.
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11 5. In Ning's response to Io Group, Inc.'s subpoena, it responded that ip address
12 recorded for the user "titgars" on September 10, 2007 was 71.198.70.77 and that the ip address
13 recorded for the user "serendip" on September 10, 2007 was 72.25.120.81.

14 6. I searched public data bases and learned that Comcast Cable Communications
15 controls the ip address 71.198.70.77 and that DSL Extreme controls the ip address 72.25.120.81.
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17 7. With the court's permission, it is my intention to serve subpoenas on the Internet
18 access providers who control the ip addresses identified by Ning in response to the subpoena, in
19 order to obtain account holder information for the subscribers assigned those ip addresses.
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21 8. By indentifying the subscribers assigned the ip addresses associated with the
22 infringing activity, plaintiff will be able to uncover the names of the defendants previously
23 identified as DOES 1 through 21.

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9. I am aware of no other procedure for discovering the names and addresses of the
DOE defendants.

Pursuant to the laws of the United States, I declare under penalty of perjury the foregoing
is true and correct.

Dated: *November 5, 2007*

Respectfully submitted,

/s/ Gill Sperlein

GILL SPERLEIN,
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I am over 18 years of age, am employed in the county of San Francisco, at 69 Converse Street, San Francisco, California, 94110 in the office of a member of the Bar of the United States District Court for the Northern District of California. I am readily familiar with the practice of this office for collection and processing of correspondence for mailing with United Parcel Service and correspondence is deposited with United Parcel Service that same day in the ordinary course of business. Today I served the attached:

- **PLAINTIFF'S MISCELLANEOUS ADMINISTRATIVE REQUEST PURSUANT TO LOCAL RULE 7-11 FOR LEAVE TO TAKE DISCOVERY PRIOR TO RULE 26 CONFERENCE; AND [PROPOSED] ORDER;**
- **DECLARATION OF GILL SPERLEIN IN SUPPORT OF REQUEST; and**
- **DECLARATION OF KEITH RUOFF SPERLEIN IN SUPPORT OF REQUEST**

by causing a true and correct copy of the above to be placed in United Parcel Service at San Francisco, California in a sealed envelope with postage prepaid, addressed as follows:

Gilbert Michael Gonzales
66640 Granada Avenue
Desert Hot Springs, CA 61867

United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

e-filing Chambers Copy
Io Group, Inc. v. Gonzales, C-07-5026 (MHP)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on November 5, 2007.

/s/ Steve Azbell
Steve Azbell

I hereby attest that this is the declaration of Steve Azbell and the original with Steve Azbell's holographic signature is on file for production for the Court if so ordered, or for inspection upon request by any party. Pursuant to the laws of the United States, I declare under penalty of perjury the foregoing is true and correct.

Dated: *November 5, 2007*

/s/ Gill Sperlein
GILL SPERLEIN,
Counsel for Plaintiff Io Group, Inc.