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24 DANIEL M. MILLER

25 **UNITED STATES DISTRICT COURT**
26 **NORTHERN DISTRICT OF CALIFORNIA**
27 **SAN FRANCISCO DIVISION**

28 DANIEL M. MILLER,
Plaintiff,

vs.

FACEBOOK, INC. and YAO WEI YEO,
Defendants.

)
) **CASE NO.: CV-10-264 (WHA)**
)
) **DECLARATION OF BRIAN D. HANCOCK**
) **IN SUPPORT OF MOTION FOR DEFAULT**
) **JUDGMENT AGAINST**
) **DEFENDANT YAO WEI YEO**
)
)
)

1 I, Brian D. Hancock, declare as follows:

2 1. My name is Brian D. Hancock. I am over eighteen years of age and am competent
3 to testify about the matters set forth herein. I have personal knowledge of the matters set forth
4 herein.
5

6 2. I am an attorney at Heninger Garrison Davis, LLC, 2224 1st Avenue North,
7 Birmingham, Alabama 35203, a law firm representing Plaintiff Daniel M. Miller (“Plaintiff”) in
8 the above-styled litigation.
9

10 3. On October 9, 2009, the Plaintiff filed an action for copyright infringement against
11 Defendants Facebook, Inc. (“Facebook”) and Yao Wei Yeo (“Yeo”).

12 4. At present, the infringing application that is the subject of this action, *ChainRxn*, is
13 not accessible on Facebook’s website, however, *ChainRxn* continues to be available on the
14 webpage <http://chainrxn.zwigglers.com>.
15

16 5. On June 3, 2010, the Plaintiff filed his Second Amended Complaint with this Court
17 against Yeo and Facebook.

18 6. On June 3, 2010, the Plaintiff served a subpoena duces tecum on Media Temple,
19 Inc., a website hosting and software application services company in Culver City, California,
20 seeking all information in its possession pertaining to Yeo. Media Temple responded by
21 providing information showing that Yeo is the listed account owner for the “ZWIGGLERS.COM”
22 domain name. The address listed by Media Temple for Yeo is 353 Third Avenue, Suite 246, New
23 York, NY 10010.
24

25 7. Pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure, §§ 415.40 and
26 417.20 of the California Code of Civil Procedure, and applicable case law, Yeo was duly served
27 with a copy of the Summons and Second Amended Complaint on July 8, 2010.
28

1 8. Yeo has failed to answer or otherwise appear in this action. As a result, the Clerk
2 of the Court entered Yeo's default on September 22, 2010.

3 9. Upon information and belief, Yeo is not an infant or incompetent person nor in
4 active military service.

5 10. The effective date of the Plaintiff's copyright registration for *Boomshine* is May 5,
6 2009.

7 11. The costs incurred by the Plaintiff in filing this action and perfecting service of
8 process on Yeo by means of numerous subpoenas, a private investigator, and other methods, totals
9 \$1,492.50.
10

11 I declare under penalty of perjury that the foregoing is true and correct.
12

13
14 April 12, 2011
15 Date

14 /s/ Brian D. Hancock
15 Brian D. Hancock

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