

SCHUBERT JONCKHEER & KOLBE LLP  
Three Embarcadero Center, Suite 1650  
San Francisco, CA 94111  
(415) 788-4220

1 DARREN T. KAPLAN (To Be Admitted Pro Hac Vice)  
2 CHITWOOD HARLEY HARNES LLP  
3 185 Great Neck Road, Suite 340  
4 Great Neck, NY 11021  
5 Telephone: (516) 773-6090  
6 Facsimile: (516) 706-0497  
7 Email: dkaplan@chitwoodlaw.com

Counsel for Plaintiff Advanced Internet Technologies, Inc.

8 ROBERT C. SCHUBERT (S.B.N. 62684)  
9 WILLEM F. JONCKHEER (S.B.N. 178748)  
10 DUSTIN L. SCHUBERT (S.B.N. 254876)  
11 SCHUBERT JONCKHEER & KOLBE LLP  
12 Three Embarcadero Center, Suite 1650  
13 San Francisco, CA 94111  
14 Telephone: (415) 788-4220  
15 Facsimile: (415) 788-0161  
16 Email: dschubert@schubertlawfirm.com

Local Counsel for Plaintiff Advanced Internet Technologies, Inc.

17  
18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**  
20 **SAN FRANCISCO DIVISION**

21 ADVANCED INTERNET TECHNOLOGIES,  
22 INC.,

23 Plaintiff,

24 v.

25 DELL, INC. and DELL FINANCIAL  
26 SERVICES, INC.,

27 Defendants.

Case No. CV-10-80078 MISC

**NOTICE OF MOTION AND MOTION TO  
HOLD NON-PARTY EXPONENT, INC. IN  
CONTEMPT OF SUBPOENAS AND TO  
COMPEL COMPLIANCE**

**FRCP 45(e)**

(Master Case Pending in the Eastern District of  
North Carolina, Case No. 5:07-CV-426-H)

Date: May 7, 2010  
Time: 9:00 a.m.  
Dept: Courtroom 10  
Judge: Hon. Susan Illston

1 TO ALL PARTIES, THEIR ATTORNEYS OF RECORD, AND NON-PARTY EXPONENT,  
2 INC. AND ITS ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE THAT on May 7, 2010 at 9:00 a.m. or as soon thereafter as  
4 counsel may be heard, Advanced Internet Technologies, Inc. will move this Court, the Honorable  
5 Susan Illston presiding, Courtroom 10 of the U.S. District Court, Northern District of California,  
6 450 Golden Gate Avenue, San Francisco, CA 94102 for an order pursuant to Rule 45(e) of the  
7 Federal Rules of Civil Procedure, holding non-party Exponent, Inc. in contempt for failing without  
8 adequate excuse to obey the subpoenas served upon it on January 11 2010, and granting such other  
9 and further relief as may be just and proper.

10 This Motion is based on this Notice of Motion, the Memorandum of Points and Authorities,  
11 the annexed declaration of Darren T. Kaplan sworn to the 30th day of March 2010 and  
12 accompanying exhibits, the [Proposed] Order, all pleadings and papers filed herein, the oral  
13 argument of counsel, and any other matters which may be submitted at the hearing.

14  
15 Dated: April 1, 2010

SCHUBERT JONCKHEER & KOLBE LLP

16  
17 By: /s/ Dustin L. Schubert

18 Dustin L. Schubert  
19 Three Embarcadero Center, Suite 1650  
20 San Francisco, CA 94111  
21 Telephone: (415) 788-4220  
22 Facsimile: (415) 788-0161

*Local Counsel for Plaintiff Advanced Internet  
Technologies, Inc.*

23  
24 Darren T. Kaplan  
25 CHITWOOD HARLEY HARNES LLP  
26 185 Great Neck Road, Suite 340  
27 Great Neck, NY 11021  
28 Telephone: (516) 773-6090  
Facsimile: (516) 706-0497

*Counsel for Plaintiff Advanced Internet  
Technologies, Inc.*