

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CADENCE DESIGN SYSTEMS, INC.,
a corporation,

No. C 10-80227 MISC CRB (EDL)

ORDER

Plaintiff,

v.

JOHN DOES 1 through 15, inclusive,

Defendants.

On September 13, 2010, Plaintiff Cadence Design Systems, Inc., filed a Request for Subpoena Pursuant to 17 U.S.C. § 512(h) for Twitter, Inc. “to identify the individual(s) who, under the anonymous username ‘Dr. UVM,’ repeatedly published (1) a hyperlink on Twitter.com directing users to a website hosting an unauthorized copy of Cadence’s copyrighted work, and (2) commentary discussing contents of, and providing unauthorized experts of, that copyrighted work.”

On September 17, 2010, this matter was referred to this Court.

In order to request a subpoena to identify an infringer, 17 U.S.C.A. § 512(h)(2) requires that the requesting party present the Court with:

- (A) a copy of a notification described in subsection (c)(3)(A);
- (B) a proposed subpoena; and
- (C) a sworn declaration to the effect that the purpose for which the subpoena is sought is to obtain the identity of an alleged infringer and that such information will only be used for the purpose of protecting rights under this title.

The request appears to be in order, except that the subpoena appears to be overboard insofar as the Requests for Production number two through number seven appear to seek information beyond the identification of an infringer. Therefore, no later than October 20, 2010, Plaintiff shall either

1 propose a new subpoena limited to Request for Production number one, or file a supplemental brief
2 stating authority for why the originally proposed subpoena is not overbroad.

3 **IT IS SO ORDERED.**

4 Dated: October 6, 2010

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28