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FILED

FEB 4 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILE VIA FAX

CV 11 80 023MISC

ZYNGA INC.,

Plaintiff,

v.

JOHN DOE, doing business as
AppEmpire,

Defendant.

Case No.:

**REQUEST TO ISSUE CIVIL
SUBPOENA PURSUANT TO 17
U.S.C. § 512 (h)**

1 Pursuant to 17 U.S.C. § 512(h), Zynga Inc. hereby requests that the Court issue
2 a civil subpoena in the form of the subpoena provided herewith, to identify all
3 information, including documents and electronic files, sufficient to identify the name
4 or names and address or addresses of the software developer identified as
5 "AppEmpire" which created and distributed via the Android Market an unauthorized
6 version of Zynga Inc.'s "Words With Friends" game.

7 This developer has distributed a game which infringes Zynga Inc.'s rights in the
8 Words With Friends game. Pursuant to 17 U.S.C. § 512(h), Zynga Inc. is lodging
9 herewith a subpoena and the sworn declaration of David K. Caplan.

10 Dated: February 4, 2011

11 By: 

12 David K. Caplan
13 Keats McFarland & Wilson LLP
14 Attorney for Plaintiff
15 Zynga Inc.