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 9 Axel Braun



10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 AXEL BRAUN,

13 Plaintiff,

14 vs.

15 PRIMARY DISTRIBUTOR DOE  
 16 NUMBER 1 and DEFENDANT  
 17 DOES 2 through 38,

18 Defendants.

12 ) **Case No.: 12-5786 MEJ**

13 ) And related cases: 12-5812 MEJ

14 ) 12-5813 MEJ

15 ) 12-5814 MEJ

16 ) **STATUS REPORT**

20 Plaintiff provides this Status Report at the direction of the Court.

21 Plaintiff requested leave to take early discovery in order to identify the Internet  
 22 subscribers whose accounts the Doe Defendants in these matters used to access the  
 23 Internet and engage in the alleged infringing activity. Dkt. No. 6. The Court granted  
 24 Plaintiff's request (Dkt. No.10) , and Plaintiff subpoenaed a number of Internet Service  
 25 providers (ISPs).

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1 Because there was no indication that any Defendants had been served, the Court  
2 vacated the Case Management Conference scheduled for February 14, 2013 and  
3 directed Plaintiff to file a status report by February 21, 2013. Dkt. No. 11.

4 **REPORT**

5 Plaintiff served third party subpoenas on the following ISPs on or around  
6 January 8, 2013:

- 7 Astound Broadband
- 8 Charter Communications
- 9 Covad Communications
- 10 Curtel
- 11 DataFrame Logistics
- 12 Digital Path
- 13 DSL Extreme
- 14 Ericson Network Systems
- 15 Extel Wireless
- 16 Frontier Communications
- 17 ICO Networks / Got Net
- 18 Internet Express
- 19 Level 3 Communications
- 20 Mpower
- 21 Nobis
- 22 OC3 Networks / Web Solutions
- 23 Reliable Hosting
- 24 SBC Internet Services
- 25 South Valley Internet
- 26 Sprint PCS
- 27 SureWest Broadband
- 28 Unwired

1 Verizon Internet Services  
2 Wave Broadband  
3 Wayport  
4 WebNX  
5 XO Communications and  
6 Ygnition Networks

7 In order to give the ISPs the opportunity to comply with the Court's directions in  
8 the Order allowing allowing ISPs 20 days to notify subscribers, 30 days for the  
9 subscribers to file objections, and 14 days for the ISPs to produce responsive  
10 information, Plaintiff set March 18, 2012 as the date for production. Plaintiff's counsel  
11 notes that in his experience, ISPs often take even longer to respond.

12 Once Plaintiff receives the information, Counsel will send a letter in an attempt  
13 to further investigate or settle claims. Generally, counsel follows up with two  
14 additional letters, generally about two weeks apart. At that time, Plaintiff will seek to  
15 amend the Complaint to name individual defendants. Although this is a long process,  
16 it gives potential defendants the maximum opportunity to resolve claims whether by  
17 settlement or through additional investigation that in some cases leads to voluntary  
18 dismissals.

19 Plaintiff therefore respectfully requests that the next case management  
20 conference be set for sometime after May 15, 2013.

21 Respectfully Submitted,

22 Dated: 2/20/2013

/s/ D. Gill Sperlein

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Counsel for plaintiff

23  
24 IT IS HEREBY ORDERED that a joint or individual case management statement shall be filed by  
25 May 16, 2013. The Court shall conduct a case management conference on May 23, 2013 at 10:00  
26 a.m. in Courtroom B. Sanctions may be imposed for failure to comply.

27 Dated: February 22, 2013