

1 James McCullagh, *pro hac vice*
 jmcullagh@perkinscoie.com
 2 Joesph Cutler, *pro hac vice*
 jcutler@perkinscoie.com
 3 PERKINS COIE LLP
 1201 Third Avenue, Suite 4800
 4 Seattle, WA 98101
 Telephone: 206.359.8000
 5 Facsimile: 206.359.9000

6 David P. Chiappetta, Bar No. 172099
 dchiappetta@perkinscoie.com
 7 Lisa D. Olle, Bar No. 228551
 lolle@perkinscoie.com
 8 PERKINS COIE LLP
 Four Embarcadero Center, Suite 2400
 9 San Francisco, CA 94111-4131
 Telephone: 415.344.7000
 10 Facsimile: 415.344.7050

11 Attorneys for Plaintiff
 FACEBOOK, INC.

12
 13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN JOSE DIVISION**

17 FACEBOOK, INC.,
 a Delaware corporation,
 18
 Plaintiff,

19 v.

20 JOHN DOES 1-10, individuals; and JOHN
 21 DOES 11-20, corporations,
 Defendants.

Case No. C-07-03404 HRL

**NOTICE OF MOTION AND
 MOTION FOR LEAVE TO TAKE
 FURTHER DISCOVERY, TO ISSUE
 LETTERS ROGATORY, AND TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE**

Date: October 23 , 2007
 Time: 10:00 a.m.
 Dept.: 2, 5th Floor
 Before: Honorable Howard R. Lloyd

22
 23
 24
 25
 26 **TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

1 PLEASE TAKE NOTICE that on October 23, 2007, at 10:00 a.m., in Department Two,
2 Fifth Floor of the Northern District of California, San Jose Division, 280 South First Street, San
3 Jose, CA 95113, before the Honorable Howard R. Lloyd, plaintiff Facebook, Inc. (“Facebook”)
4 will and hereby does move this Court, pursuant to Federal Rule of Civil Procedure 26(d), on the
5 grounds that there is good cause for the Court to grant Facebook’s Motion for Leave to Take
6 Further Discovery, to Issue Letters Rogatory, and to Continue Case Management Conference.

7 Facebook filed its complaint on June 28, 2007 alleging that the John Doe defendants
8 unlawfully accessed its website on 200,000 occasions in violation of the Computer Fraud and
9 Abuse Act, 18 U.S.C. § 1030 and the California Comprehensive Data Access and Fraud Act, Cal.
10 Penal Code § 502(c). Facebook, relying on publicly available information, researched the
11 identity of the IP address and learned that IP Address 216.127.50.2 was unlawfully accessing its
12 proprietary computer system. On July 13, 2007, the Court granted Facebook’s *Ex Parte* Motion,
13 in part, for leave to take discovery on Accretive Technology Group, Inc. (“Accretive”), based on
14 Facebook’s good faith belief that Accretive had data in its possession revealing the identity of the
15 person or entity behind these unlawful attempts.

16 Subsequently, Facebook served a subpoena on Accretive, pursuant to Rule 45 of the
17 Federal Rules of Civil Procedure. In response to this subpoena, Accretive provided Facebook
18 with server logs indicating that IP addresses belonging to Look and Rogers were the sources of
19 the scripted attacks occurring on Facebook’s computer system. On September 6, 2007, Facebook
20 sent preservation letters to both Look and Rogers requesting that they preserve all logs, records,
21 data, and other information relating to these IP addresses. Apart from the information on Look’s
22 and Rogers’ servers, Facebook does not have any other reasonable means to learn the identities of
23 these IP addresses. Facebook has good cause to proceed with its discovery on Look and Rogers,
24 pursuant to Rule 26(d), since its case will not proceed without the information currently in
25 Rogers’ and Look’s possession.

26 ///

27 ///

