

FILED

SEP 28 2007

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

HONORABLE HOWARD R. LLOYD

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

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

FACEBOOK, INC., a Delaware corporation,

Plaintiff,

v.

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

Defendants.

Case No. C-07-03404 HRL

LETTER ROGATORY

FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, UNITED STATES OF AMERICA, TO THE APPROPRIATE JUDICIAL AUTHORITY IN THE PROVINCE OF ONTARIO, CANADA.

The above civil action is pending in the United States District Court for the Northern District of California. Justice cannot be done between the parties without the assistance described herein. It is necessary for, and in the interest of Justice to obtain documents and information from, Rogers Communications Inc, 333 Bloor Street East, Ninth Floor, Toronto, Ontario, M4W 1G9, within your jurisdiction.

LETTER ROGATORY
CASE NO. C-07-03404 HRL

1 The civil action in this Court involves a dispute regarding individuals using Internet
2 Protocol Address (“IP Address”) 74.117.158.224. These individuals are alleged to be responsible
3 for, or have first hand knowledge of, computer fraud and abuse perpetrated against Facebook, Inc.
4 (“Facebook”). Facebook alleges that the individuals using this IP Address gained unauthorized
5 access to its Web site and accessed more than 200,000 separate proprietary Facebook Web pages
6 and gathered private and proprietary information about Facebook users such as usernames,
7 passwords, network affiliations, and email addresses. Facebook identified the server that was
8 used to access its site for this unauthorized access, and obtained a court order authorizing it to
9 obtain relevant information from the responsible Internet Service Provider. The logs obtained
10 from that server indicate that the IP address referenced above was used to send commands
11 through that server to carry out the above referenced unauthorized activities on Facebook’s Web
12 sites. Rogers Communications Inc. is the Internet Service Provider that services IP Address
13 74.117.158.224. Based on its correspondence with Rogers Communications, Facebook
14 understands that Rogers possesses records, such as server logs, billing histories, and contact
15 information for the users of IP Address 74.117.158.224 that is necessary in order to identify the
16 proper defendants in this case. Facebook sent a letter to Rogers Communications asking that it
17 preserve any and all information regarding this IP Address, including, but not limited to, the
18 identity of the individuals using it and/or paying for its use. Rogers Communications responded
19 to Facebook that it indeed had the information requested, but could not disclose it without a valid
20 Canadian court order or Canadian law enforcement request. Facebook anticipates that this
21 information will be used as evidence at the trial of this action.

22 THEREFORE, we request that, in the interest of Justice, you cause Rogers
23 Communications Inc. by your proper and usual process to produce the documents and things
24 identified in Exhibit A hereto.

25 ///

26 ///

27 ///

28

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

WE SHALL be ready and willing to do the same for you in a similar case when requested.

The fees and costs incurred in execution of the letters rogatory, including any costs incurred or demanded by your authority, shall be borne by the plaintiff unless you, in the normal course of your jurisprudence, require such costs to be borne by the producing party or defendant.

DATED: September 20, 2007

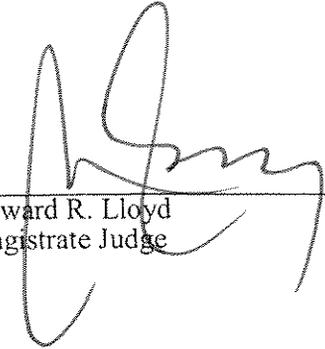
PERKINS COIE LLP

By: _____ /s/
Lisa D. Olle

Attorneys for Plaintiff
FACEBOOK, INC.

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

WITNESS the Honorable Judge Howard R. Lloyd, Magistrate as Judge of the United States District Court for the Northern District of California on September 28, 2007.

By 
Howard R. Lloyd
Magistrate Judge

60406-0014/LEGAL13565072.1