

1 Lisa D. Olle, Bar No. 228551
 lolle@perkinscoie.com
 2 PERKINS COIE LLP
 Four Embarcadero Center, Suite 2400
 3 San Francisco, CA 94111-4131
 Telephone: 415.344.7000
 4 Facsimile: 415.344.7050

5 Attorneys for Plaintiff
 FACEBOOK, INC.

6
 7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN JOSE DIVISION**

12 FACEBOOK, INC.,
 a Delaware corporation,
 13
 Plaintiff,

14 v.

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

Case No. C-07-03404 HRL

**NOTICE OF MOTION AND
 MOTION FOR LEAVE TO TAKE
 DISCOVERY ON ACCRETIVE
 TECHNOLOGY GROUP, INC. AND
 FCI, INC.**

Date: August 14, 2007
 Time: 10:00 a.m.
 Dept.: 2, 5th Floor
 Before: Honorable Howard R. Lloyd

19
 20
 21 **TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

22 PLEASE TAKE NOTICE that on August 14, 2007, at 10:30 a.m., in Department Two,
 23 Fifth Floor of the Northern District of California, San Jose Division, 280 South First Street, San
 24 Jose, CA 95113, before the Honorable Howard R. Lloyd, plaintiff Facebook, Inc. (“Facebook”)
 25 will and hereby does move this Court, pursuant to Federal Rule of Civil Procedure 26(d), on the
 26 grounds that there is good cause for the Court to grant Facebook’s Motion for Leave to Take
 27 Discovery on Accretive Technology Group, Inc. (“Accretive”) and FCI, Inc.

28
 NOTICE OF MOTION AND MOTION FOR LEAVE TO TAKE DISCOVERY
 CASE NO. C-07-03404 HRL

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 filed its complaint on June 28, 2007 alleging that the John Doe defendants unlawfully accessed its website on 200,000 occasions in violation of the Computer Fraud and Abuse Act, 18 U.S.C. § 1030 and the California Comprehensive Data Access and Fraud Act, Cal. Penal Code § 502(c). Facebook, relying on publicly available information, researched the identity of the IP address and learned that IP Address 216.127.50.2 was unlawfully accessing its proprietary computer system. The data revealing the identity of the person or entity behind these unlawful attempts is in Accretive’s possession and could easily be deleted, overwritten, or otherwise destroyed. Furthermore, apart from the information on Accretive’s server, Facebook does not have any other reasonable means to learn the identity of IP Address 216.127.50.20. Facebook has good cause to proceed with its discovery on Accretive and FCI, Inc., pursuant to Rule 26(d), since its case will not proceed without the information that is currently in Accretive’s possession.

The motion will be based upon this notice of motion and motion, the attached points and authorities, the files and records of this action, and any further evidence and argument that the Court may receive at or before the hearing.

DATED: July 3, 2007

PERKINS COIE LLP

By: _____ /s/
Lisa D. Olle

Attorneys for Plaintiff
FACEBOOK, INC.