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January 12, 2010

**VIA ELECTRONIC FILING AND U.S. MAIL**

The Honorable Patricia V. Trumbull  
United States District Court  
Northern District of California  
280 South 1st Street  
San Jose, CA 95113

OUR FILE NUMBER  
234,948-0007

WRITER'S DIRECT DIAL  
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**Re: *eBay Inc. v. Digital Point Solutions, et al., Case No. C 08-04052 JF***  
***(PVT)***

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Dear Judge Trumbull:

eBay hereby responds to your instruction in the order dated November 19, 2009 that the parties "advise the court regarding the status of the criminal proceedings" against defendants not less than ten days before the next scheduled case management conference. eBay is not aware of any pending criminal proceeding against any of the defendants, nor is eBay aware of any progress toward indictment of any defendant(s) that has been made since the last hearing before this Court, on November 13, 2009.

Very truly yours,

David R. Eberhart  
of O'MELVENY & MYERS LLP

cc: Leo J. Presiado, Esq.  
Patrick K. McClellan, Esq.  
Stewart H. Foreman, Esq.  
Seyamack Kouretchian, Esq.