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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE)

10	Louis Vuitton Malletier, S.A.,)	Case No.: C 07 3952 JW (HRL)
11)	
12	Plaintiff,)	OPPOSITION OF PLAINTIFF LOUIS
13	v.)	VUITTON MALLETIER, S.A. TO
14	Akanoc Solutions, Inc., et al.)	DEFENDANTS' MOTION IN LIMINE
15)	NO. 5 TO EXCLUDE ALL TESTIMONY
16	Defendants.)	DISCUSSING SUBSEQUENT
17)	REMEDIAL MEASURES;
18)	DECLARATION OF J. ANDREW
19)	COOMBS, EXHIBITS IN SUPPORT

20 **INTRODUCTION**

21 Defendants' Motion in Limine No. 5 to "Exclude Emails Sent Between Defendants and
22 Their Customers Discussing Subsequent Remedial Measures" ("Motion No. 5") should be denied.
23 First, the emails do not evidence subsequent remedial measures. Second, even if considered
24 subsequent and remedial, they are admissible for permitted purposes and not "to prove negligence
25 or other culpable conduct".

26 In addition, Defendants wrongly seek to benefit from an evidentiary gap of their creation.
27 "It is fundamental that a party that does not provide discovery cannot profit from its own
28 failure...and may be estopped from 'supporting or opposing designated claims or defenses.'" General Atomic Co. v. Exxon Nuclear Co., 90 F.R.D. 290, 1981 U.S. Dist. LEXIS 9374, at *60
(S.D. Cal. April 23, 1981) (quoting Dellums v. Powell, 566 F.2d 231, 235 (D.C. Cir. 1977)). It is a
principle of fairness and is supported by case law.

1 Defendants have produced no evidence of “prior” remedial measures because of an alleged
2 email server “crash” which effectively eliminated all communications of the type which are the
3 subject of this motion which predate filing of the present action. Then, aside from the few batches
4 of emails Defendants now seek to exclude, no other information regarding hosting or these
5 “customers” has been produced. This motion is simply disguised to unfairly seek an advantage due
6 to Defendants’ own bad faith discovery failures and should be denied for that reason.

7 **A. The Rules of Evidence Favor Admissibility**

8 Motions in limine should be granted sparingly. Alliance Fin. Capital, Inc. v. Herzfeld, 2007
9 Bankr. LEXIS 4511, at *2 (N.D. Ga. December 17, 2007) citing Sperberg v. Goodyear Tire &
10 Rubber Co., 519 F.2d 708, 712 (6th Cir. 1975); Middleby Corp. v. Hussmann Corp. 1992 U.S. Dist.
11 LEXIS 13138, at *9-10 (N.D. Ill. August 27, 1992). “A pretrial motion in limine forces a court to
12 decide the merits of introducing a piece of evidence without the benefit of the context of trial.”
13 CFM Communs., LLC v. Mitts Telecasting Co., 424 F. Supp. 2d 1229, 1233 (E.D. Cal. 2005); see
14 also U.S. v. Marino, 200 F.3d 6, 11 (1st Cir. 1999) (recognizing that proffered evidence can be
15 more accurately assessed in the context of other evidence).

16 Evidence should be “excluded on a motion in limine only if the evidence is *clearly*
17 inadmissible for any purpose” (internal quotations omitted, emphasis added). Fresenius Med. Care
18 Holdings, Inc. v. Baxter Int’l, Inc., 2006 U.S. Dist. LEXIS 42159, at *14 (N.D. Cal. June 12,
19 2006). This means Defendants will have to overcome the well established policies favoring
20 admissibility. Daubert v. Merrell Dow Pharms., 509 U.S. 579, 587 (1993) (“The Rules’ basic
21 standard of relevance thus is a liberal one.”); U.S. v. Curtin, 489 F.3d 935, 942 (9th Cir. 2007)
22 citing Huddleston v. United States, 485 U.S. 681, 688-89 (1988) (the version of Rule 404(b) which
23 became law was intended to “plac[e] greater emphasis on admissibility than did the final Court
24 version”); see also U.S. v. Williams, 445 F.3d 724, 732 (4th Cir. 2006) (relief against admissibility
25 under Rule 403 should be granted sparingly); U.S. v. Fleming, 215 F.3d 930, 939 (9th Cir. 2000)
26 (Rule 403 favors admissibility); U.S. v. Hankey, 203 F.3d 1160, 1172 (9th Cir. 2000) (“the
27 application of Rule 403 must be cautious and sparing”); F.R.E. 102 Adv. Comm. Notes (“rules are
28

1 to be liberally construed in favor of admissibility” within the bounds of the Rules to achieve goals
2 of “speedy, inexpensive, and fair trials designed to reach the truth”). Defendants fail to meet their
3 burden given the probative value of the evidence, the Rules, sound case law, and in light of these
4 policies.

5 **B. “Subsequent” Measures By Definition Require Prior Inaction**

6 Defendants’ claim that the emails listed in Plaintiff’s Exhibit List are *subsequent* remedial
7 measures, means, by definition, Defendants sent no such notices before the litigation and thus
8 ignored all notices served before July 2007, the earliest of the emails they seek to exclude.¹ Dow
9 Chem. Corp. v. Weevil-Cide Co., 897 F.2d 481, 487 (10th Cir. 1990) (“Remedial measures are
10 those actions taken to remedy any flaws or failures.”). To the extent Defendants now argue they
11 did nothing in response to complaints prior to July 2007, Louis Vuitton will accept for purposes of
12 argument that the emails to customers evidence subsequent remedial measures.

13 Absent such a concession, however, these emails are not subsequent remedial measures for
14 there is no evidence of those measures taken by Defendants before the lawsuit was filed or whether
15 these exhibits evidence any remedial measure at all.

16 Defendants’ deficient practices persisted after the litigation was filed.

17 **C. Rule 407 Specifically Allows Use of This Evidence for Other Purposes**

18 More significant, even if the emails are evidence of subsequent remedial measures, they are
19 still admissible under F.R.E. 407 for other purposes.

20 The Rule “does not require the exclusion of evidence of subsequent measures when offered
21 for another purpose, such as proving ownership, control, or feasibility of precautionary measures, if
22 controverted, or impeachment.” F.R.E. 407. Courts have also found subsequent remedial
23 measures admissible on issues of knowledge. Rozier v. Ford Motor Co., 573 F.2d 1332, 1343 (5th
24 Cir. 1978). These emails are admissible for the reasons noted by this Court in ruling against
25 Defendants’ motion for summary judgment to find a material issue of disputed fact on Plaintiff’s

26 ¹ Some of the emails Defendants seek to exclude were internal, between Defendants’ employees, or
27 between Defendants and other complaining rights owners. See Exhibit descriptions 29, 31, 38, 40-
28 41, 47. These emails were improperly included in Defendants’ motion regarding email to their
“customers” and should be admissible.

1 claim that Defendants had knowledge of the infringing material on their servers and that they
2 “materially contributed to infringing activity by failing to take simple measures to limit the known
3 infringing activity taking place on their systems.” Court’s Ruling on Motion for Summary
4 Judgment (“MSJ Ruling”) p. 8:21-9:6, 10:21-11:3.

5 Here, Defendants contest nearly every element of Plaintiff’s claims, including ownership,
6 control, and the feasibility of precautionary measures. The emails also serve to impeach
7 Defendants’ key witnesses that state a lack of knowledge of the infringement and lack of ability to
8 address those infringements, among other things.

9 **1. Ownership**

10 Regardless of the content of such emails, none of these emails would exist but for the
11 Defendants’ identification of complained of websites on their servers. The emails prove (i)
12 Defendants “pinged” the website complained of and determined that it was hosted on a server
13 owned by them and rented to one of their “customers”; (ii) Defendants were in a position to
14 immediately notify their “customer” of the complained of infringement; and (iii) in the event of
15 inaction by the “customer,” to “expeditiously” Defendants were able to remove or disable access to
16 the infringing material, thereby evidencing ownership of the IP Address to which the domain name
17 directed and of the server on which the infringing content was hosted.. The emails are properly
18 admitted to prove the fact that the complained of websites resided on Defendants’ servers.

19 The emails also show ownership of the complained of websites to a few, reoccurring
20 individuals identified by email address. Regardless of the content of the message included in the
21 email, the repetition of emails to certain specific addresses should be admissible to prove that the
22 real problem is not as massive or unknown as Defendants claim, but that it is Defendants’ choice to
23 continue to do business as usual with some of their best “customers” despite repeated notices of
24 violations. Declaration of J. Andrew Coombs (“Coombs Decl.”) at ¶ 2, Ex. A, Deposition of Steve
25 Chen (“Chen Depo.”) 60:17-24, 143:16-144:12.

1 **2. Control**

2 The emails are also properly admitted to prove Defendants’ control over their “customers”,
3 the direction of Internet traffic, the websites, and their server space. Most of the emails to
4 “customers” state explicitly that if measures are not taken, then the IP Addresses will be
5 “disconnect[ed]”. Coombs Decl. at ¶ 3, Ex. B. Defendants state in these emails, their ultimate
6 control over the servers by discontinuation of service.

7 In other emails Defendants refer to “content inspections”, “verify[ing] results”, whether or
8 not a website has moved to a different IP Address within Defendants’ range, or whether offending
9 material is removed. *Id.* These emails speak to the issue of control but also evidence monitoring,
10 both issues of contention in the case.

11 **3. Feasibility of Precautionary Measures**

12 The emails also speak to the feasibility of precautionary measures particularly relating to
13 repeat offenders. Not only is Defendants’ claim that they do not know who is behind these
14 websites refuted by these emails, they can also identify and discontinue doing business with such
15 “customers” if they so choose because they know exactly who they are. It is Defendants’ refusal to
16 stop doing business with infringers, despite the feasibility of this precautionary measure, that is an
17 additional ground for admission of these emails.

18 **4. Knowledge of Condition**

19 Evidence of subsequent measures is also admissible to show knowledge of a dangerous
20 condition. *Rozier*, 573 F.2d at 1343. More commonly in the products liability context but
21 applicable here, evidence of other accidents may be used where it is shown that those prior
22 accidents are substantially similar to the instant accident. *Ramos v. Liberty Mutual Insurance Co.*,
23 615 F.2d 334, 339 (5th Cir. 1980), decision clarified, 620 F.2d 464. Further, “for purposes of
24 proving other accidents in order to show defendants’ awareness of a dangerous condition, the rule
25 requiring substantial similarity of those accidents to the accident at issue should be relaxed. ...Any
26 differences in the circumstances surrounding these occurrences go merely to the weight to be given
27 the evidence” (internal citations omitted). *Jackson v. Firestone Tire & Rubber Co.*, 788 F.2d 1070,

1 1083 (5th Cir. 1986); see also Johnson v. Ford Motor Co., 988 F.2d 573, 580 (5th Cir. 1993)
2 (“However, even when it is offered solely to show notice, the proponent of such evidence must
3 establish reasonable similarity.”).

4 The Court cited some of these emails in its Ruling on Defendants’ Motion for Summary
5 Judgment on the issue of knowledge. MSJ Ruling 8:21-9:6. These emails support the contention
6 that not only did Defendants know which individuals were behind the websites, that these same
7 individuals came up over and over again and Defendants continued to do business with them over a
8 significant period of time. The instances of the infringements were substantially similar and in
9 some cases, even related to the same website or IP Address. For this additional ground,
10 Defendants’ motion should be denied.

11 **5. Impeachment**

12 Defendants maintain the websites were never hosted on their servers and that they do not
13 have “control or monitoring” over their server space. Defendants’ Motion No. 5 at p. 4:9.
14 However, the pure existence of the emails to “customers” contradicts Defendants’ statements as to
15 the hosting status of these websites, and additionally, Defendants often make admissions in the
16 emails as to inspecting content on websites and directing their “customers” to take action,
17 contradicting Defendants’ contentions of a lack of monitoring and control.

18 **D. Emails Are Party Admissions**

19 Further, emails are treated as party admissions and thus admissible. Perfect 10, Inc. v.
20 Cybernet Ventures, Inc., 213 F. Supp. 2d 1146, 1155 (C.D. Cal. 2002) (“The Court treats the
21 communications attributable to Cybernet employees as party admissions and will accept the third
22 party communications only insofar as they indicate notice of infringing or potentially infringing
23 activity.”); see also F.R.E. 801.

24 **E. Waiver**

25 Moreover, many of these exhibits were quoted and cited by the Court in its Ruling on the
26 Motion for Summary Judgment for the exact principles of control and ownership discussed above.
27 These exhibits were attached to Plaintiff’s Opposition yet Defendants only now assert this
28

1 argument and should be deemed to have waived any such objections. See Declaration of J.
2 Andrew Coombs in Support of Opposition to Defendants’ Motion for Summary Judgment at
3 Exhibit E and Defendants’ Evidentiary Objection to the Coombs Declaration in Support of
4 Vuitton’s Opposition to Defendants’ Motion for Summary Judgment. Docket Nos. 80, 91.

5 **F. In Any Case, Rule 407 Does Not Apply**

6 Additionally, Rule 407 does not apply when the subsequent measure was required in the
7 first place. “[A] tortfeasor cannot be discouraged from voluntarily making repairs if he *must* make
8 repairs in any case.” Herndon v. Seven Bar Flying Service, Inc., 716 F.2d 1322, 1331 (10th Cir
9 1983); see also Rozier, 573 F.2d at 1343 (exclusion inappropriate where measure “was to be
10 required in any event by a superior authority”). If Defendants were supposed to send such emails
11 in the first instance, the policy of Rule 407 does not apply. At a bare minimum, Defendants should
12 have always sent such emails, not only as a matter of common sense and to keep track of repeat
13 offenders, but in furtherance of expeditiously removing such content pursuant to the Copyright
14 Act. Copyright Act, §§ 501, et seq. (ISPs eligible for “safe harbor” limited immunity where they
15 act expeditiously to remove infringing content about which they have notice).² The emails should
16 be admissible.

17 **G. The Scarcity of the Emails Produced by Defendants Enhances Their Probative**
18 **Value**

19 Relief against admissibility under Rule 403 should be granted sparingly as Rule 403 favors
20 admissibility. U.S. v. Fleming, 215 F.3d 930, 939 (9th Cir. 2000); see also Hankey, 203 F.3d at
21 1172. Some circuits have required that the unfair prejudice be “exceedingly great” while looking
22 at the evidence “most favorable to its proponent, maximizing its probative value and minimizing its
23 prejudicial effect.” U.S. v. Stout, 509 F.3d 796, 806 (6th Cir. 2007). “Relevant evidence is
24 inherently prejudicial; but it is only unfair prejudice, substantially outweighing probative value,
25 which permits exclusion of relevant matter under Rule 403. Unless trials are to be conducted as

26 ² In this respect it should be noted the DMCA safe harbor is the only affirmative defense set up by
27 the Defendants, and it is unclear what, if any, evidence supports that defense, especially if
28 Defendants are successful at excluding emails evidencing steps taken by them to disable access to
infringing material in response to notices provided.

1 scenarios, or unreal facts tailored and sanitized for the occasion, the application of Rule 403 must
2 be cautious and sparing. Its major function is limited to excluding matter of scant or cumulative
3 probative force, dragged in by the heels for the sake of its prejudicial effect.” Hankey, 203 F.3d at
4 1172.

5 Finally, Defendants’ claim a computer “crash” that occurred around June 2007, and the
6 absence of any backup, destroyed their email records from before that date. Defendants also refuse
7 to produce documents hosted on their servers, prompting Plaintiff’s filing of its Motion to Compel,
8 which only underscores the probative value of these emails, and they should be afforded even more
9 weight in favor of admissibility under F.R.E. 403. Even if prejudicial to Defendants, such
10 prejudice is not unfair or unwarranted. Defendants were given repeated opportunities to comply
11 with Plaintiff’s discovery requests. That evidence that was produced supports Plaintiff’s
12 contentions does not automatically mean it should be excluded. To the contrary, because of
13 Defendants’ discovery failures, the few emails that were produced are only that much more
14 probative to Plaintiff’s claims and Defendants’ continued knowledge of their bad acts and
15 disobedience of the law.

16 For the foregoing reasons, Defendants’ Motion No. 5 should be denied.

17
18 Dated: March 9, 2009

J. Andrew Coombs, A Professional Corp.

19
20 By: J. Andrew Coombs

Anne Wang

Attorneys for Plaintiff Louis Vuitton Malletier, S.A.

1 **DECLARATION OF J. ANDREW COOMBS**

2 I, J. Andrew Coombs, declare as follows:

3 1. I am an attorney at law duly admitted to practice before the Courts of the State of
4 California and the United States District Court for the Northern District of California. I am counsel
5 of record for Plaintiff Louis Vuitton Malletier, S.A. ("Plaintiff" or "Louis Vuitton") in an action
6 styled Louis Vuitton Malletier, S.A. v. Akanoc Solutions, Inc., et al., Case No. C 07 3952 JW. I
7 submit this declaration in support of Plaintiff's Opposition to Defendants' Motion in Limine No. 3.
8 Except as otherwise stated to the contrary, I have personal knowledge of the following facts and, if
9 called as a witness, I could and would competently testify as follows.

10 2. Attached Exhibit A is a true and accurate copy of portions of the transcript from the
11 deposition testimony of Steve Chen, individually and as the Rule 30(b)(6) witness for each of the
12 two corporate defendants in this matter, which took place on or about April 8-9, 2008.

13 3. Attached Exhibit B are true and correct copies of emails produced by Defendants.

14 I declare under penalty of perjury under the laws of the United States that the foregoing is
15 true and correct.

16 Executed this 9th day of March, 2009, at Glendale, California.


17 
18 _____
19 J. ANDREW COOMBS
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Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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LOUIS VUITTON MALLETIER, S.A.,)

Plaintiff,)

vs.) Case No. C073952JW

AKANOC SOLUTIONS, INC., MANAGED)

SOLUTIONS GROUP, INC., STEVEN)

CHEN and DOES 1 through 10,)

inclusive,)

Defendants.)

DEPOSITION OF STEVEN CHEN

VOLUME I

Glendale, California

Tuesday, April 8, 2008

Reported by: Janalee Whitacre

CSR No. 12223

NDS Job No.: 127887

1 Q. Yes.

2 A. I can remember one in New York, but I think
3 that he later drop out too.

4 Q. Do you remember the name?

5 A. Jimmy Lee.

6 Q. Are the resellers typically individuals or
7 companies?

8 A. They will present themselves as company, right,
9 but in reality, if one guy is shooting e-mails to all
10 different e-mail addresses, I'm more intend (sic) to say
11 that maybe they just one or two.

12 Q. So Jimmy Lee may have been an employee at a
13 company or he may have been --

14 A. Yes.

15 Q. -- the customer himself?

16 A. Yes, yes.

17 Q. Can you identify for me any of the other
18 customers that Akanoc has?

19 A. IT5. Boise -- Boise -- I don't know. Boise
20 Computer or Boise something. Nora Q has e-mail address.
21 I don't know the -- I think the company name probably
22 Linlin.

23 Q. Can you spell that or give us a spelling --

24 A. L-i-n-l-i-n. L-i-n. Double l-i-n. Linlin.
25 More names?

1 back, we were thinking of forming the business together,
2 and eventually he lost the interest of this, and that's
3 about it.

4 Q. Was he a part owner at one time?

5 A. Not really.

6 Q. Was he an employee at one time?

7 A. No.

8 Q. And he has no current involvement with Akanoc?

9 A. No.

10 Q. And he has not for two or three years or more?

11 A. More than -- I think that at the time that
12 we're separating from -- with Jacques, that's pretty
13 much dissolve everything.

14 Q. That's 2004?

15 A. Right.

16 Q. You said that one customer with whom you do
17 have interactions otherwise than by e-mail is IT5; is
18 that correct?

19 A. Yes.

20 Q. And why is that? Is it a bigger customer or
21 more problem customer or somebody you know from other
22 circumstances?

23 A. At one time that they were probably our biggest
24 resellers. At the time, you know, Alice Chen was
25 actually handling the business herself, and later she

1 has babies and family issues and then so she quiet down.
2 And now if we -- send a notice that if we sent e-mail to
3 IT5, we always send it to this ZhongHH.IT8, that
4 particular account, instead of Alice Chen. And probably
5 right now she's probably No. 5, somewhere around there,
6 not top one anymore.

7 Q. And where is IT5 located?

8 A. In China. Xiamen.

9 Q. Xiamen?

10 A. Yeah. It's southern part of China.

11 Q. X-i-a-m-e-n?

12 A. X-i-a- -- yeah.

13 Q. Earlier I showed you a couple printouts from
14 the DediWebHost.com Website. Do you remember that?

15 A. Yes.

16 Q. Who wrote the text that appears on those
17 Websites?

18 A. The Chinese --

19 Q. No, the English.

20 A. Pretty much it's a copy from Managed.com, so
21 Managed.com was created by Jacques Pham, and then so we
22 just take that and just keep migrating.

23 Q. Sort of like the service agreement?

24 A. What attorney said? Cut and paste?

25 Q. You said that the correspondence, hard copy

Exhibit B

From: security
Sent: Thursday, November 29, 2007 11:29 AM
To: noraq
Subject: [Fwd: Counterfeit product complaint; immediate action required; 12 hours final notice]

Dear Sir,

We have received letter complaint from legal authority that your server IP:204.16.193.146 main IP:205.209.136.51 is hosting website: watchesreplica.net which engaged in sale of counterfeit products.
Please take down the specific website immediately, or we will disconnect the abuse IP.

Thank you for your cooperation.

Security SS

Δ (π) EXHIBIT 8
DATE: 4-8-08
WITNESS: S. Chen
PAGE 1 OF 1
J. WHITACRE, CSR

From: security
Sent: Friday, November 30, 2007 8:04 AM
To: noraq@126.com
Subject: Re: [Fwd: Counterfeit product complaint; immediate action required; 12 hours final notice]

Nora, this is Steve.

You need to take care this one fast; we are under big pressure from the lawyer. For the extraIP, we can nullroute the extraIP without killing the whole server; but this one is on main IP, so if you don't kill the website, we will need to kill the server. In the future, try not to put applications on main IP.
Steve

noraq@126.com wrote:

> pushing the customer to resolve it

>

> From: "security" <security@akanoc.com>

> To: "noraq" <noraq@126.com>

> Date: Fri, 30 Nov 2007 03:34:51 +0800 (CST)

> Subject: [Fwd: Counterfeit product complaint; immediate action required; 12 hours final notice]

>

>

>

> > Dear Sir,

> >

> > We have received letter complaint from legal authority that your server

> > IP:205.209.143.146 main IP:205.209.143.146 is hosting website: ebuynike.com and ecshoes.com which engaged in sale of counterfeit products.

> > Please take down the specific website immediately, or we will disconnect

> > the abuse IP.

> >

> > Thank you for your cooperation.

> >

> > Security SS

> >

> >

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> >

> >

> >

Δ (π) EXHIBIT 9
DATE: 4-8-08
WITNESS: S. Chen
PAGE 1 OF 1
J. WHITACRE, CSR

From: security
Sent: Wednesday, December 19, 2007 6:44 AM
To: wa78@mail2000.com.tw
Subject: Re: Fw: {100-134182} RE: Reboot 205.209.143.93

This is due to a website famous-shop.com selling illegal counterfeit product, in particular Louis Vuitton.
Please take care of this issue immediately.
Thanks.
Security Team

Chen wrote:

> What is wrong with this server?

>

> Chen

> -----Forwarded message-----

> From: reboot@akanoc.com

> To: wa78@mail2000.com.tw

> Date: Tue, 18 Dec 2007 13:14:08 -0800 (PST)

> Subject: {100-134182} RE: Reboot 205.209.143.93

>

> Tech :: Ken has responded to your help desk request.

>

> -----

> (Tech :: Ken)

> -----

>

>

> Dear Customer,

>

> this server has been unplugged due to abuse complaint, please contact the security dept via security@akanoc.com to replugin your server. thank you.

>

>

>

>

> Best Regards,

> Support Team

>

>

>

> Thank you

> Tech :: Ken

>

>

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>

Δ (π) EXHIBIT 10
DATE: 4-08-08
WITNESS: S. Chen
PAGE 1 OF 1
J. WHITACRE, CSR

From: security
Sent: Thursday, December 13, 2007 11:25 PM
To: idc@abcde.cn
Subject: [Fwd: Re: [Fwd: Counterfeit product complaint; immediate action required; 12 hours final notice]]

resend

----- Original Message -----

Subject:Re: [Fwd: Counterfeit product complaint; immediate action required; 12 hours final notice]
Date:Thu, 13 Dec 2007 20:48:07 -0800
From:security <security@akanoc.com>
To:yong@abcde.cn
References:<474F19C9.7050301@akanoc.com>

Resend

security wrote:

>
> Dear Sir,
>
> We have received letter complaint from legal authority that your
> server IP:205.209.168.3 main IP:205.209.142.235 is hosting website:
> worldkeytrade.com which engaged in sale of counterfeit products.
> Please take down the specific website immediately, or we will
> disconnect the abuse IP.
>
> Thank you for your cooperation.
>
> Security SS
>
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>

Δ (π) EXHIBIT 11
DATE: 4-8-08
WITNESS: S. Chen
PAGE 1 OF 1
J. WHITACRE, CSR

3/25/2008

Date: Fri, 14 Dec 2007 17:55:53 +0800
Mime-Version: 1.0
Content-Type: text/plain; format=flowed; charset="GB2312"
Content-Transfer-Encoding: 8bit
Message-Id: <20071214095553.17BA120D195@ctmail.idscn.com>

您好，
非常抱歉，是这边误解您的意思了，以为只要关闭站点就行了。现在马上通知客户删除！麻烦把205.209.165.65也开放一下。
非常抱歉，打扰您这么长时间。
谢谢！

security 写道：

> We need you to remove the domain from our ip range. The domain still
> live, and your customer is moving from IP to the other IP.
>
> idc@abode.cn wrote:
>> 您好，
>> 非常抱歉打扰你。是不是把站点关闭也不行，一定要把站点和站点资料都删除才
>> 行？是不是这边的处理方式不对？
>> 谢谢！
>>
>> security 写道：
>>> Dear Sir,
>>> Now your customer just moved from 205.209.168.3 to 205.209.165.65.
>>> If you don't take this domain out, I will need to unplug the whole
>>> server. It is 1:30am here. I don't have time to play with your customer.
>>> idc@abode.cn wrote:
>>> 您好，
>>> 这个不可能的，我们不会不做处理就按原样开通站点。这边已经确认了没有再开
>>> 通了。
>>> 应该您那边出错了。
>>> 现在205.209.168.3这个IP怎么处理？
>>> 谢谢！

EXHIBIT 12
DATE: 4-8-08
WITNESS: S. Chen
PAGE 1 OF 2
J. WHITACRE, CSR

>>>> 谢谢!

>>>> security 写道:

>>>> it was still live this morning when we checked.

>>>> idc@abode.cn wrote:

>>>> 您好,

>>>> worldkeytrade.com这个站点已经在11月30日时就已经关闭了, 那时收到您

>>>> 那边的

>>>> 邮件, 马上就处理了。为什么现在还有同样的问题?

>>>> 谢谢!

>>>> security 写道:

>>>> resend

>>>> ----- Original Message -----

>>>> Subject: Re: [Fwd: Counterfeit product complaint; immediate

>>>> action

>>>> required, 12 hours final notice]

>>>> Date: Thu, 13 Dec 2007 20:48:07 -0800

>>>> From: security <security@akanoc.com>

>>>> To: yong@abode.cn

>>>> References: <474f19c9.7050301@akanoc.com>

>>>> Resend

>>>> security wrote:

>>>>>>>> Dear Sir,

>>>>>>>> We have received letter complaint from legal authority that your

>>>>>>>> server IP:205.209.168.3 main IP:205.209.142.235 is hosting website:

>>>>>>>> worldkeytrade.com which engaged in sale of counterfeit products.

>>>>>>>> Please take down the specific website immediately, or we will

>>>>>>>> disconnect the abuse IP.

>>>>>>>> Thank you for your cooperation.

>>>>>>>> Security SS

>>>>>>>>

>>>>>>>>

>>>>>>>>

△ π EXHIBIT 12
DATE: _____
WITNESS: _____
PAGE 2 OF 2
J. WHITACRE, CSR

From: "security" <security@akanoc.com>
To: <wangkiyo@hotmail.com>
Sent: Monday, March 03, 2008 6:58 PM
Subject: www.eastarebiz.com Counterfeit product complaint; immediate action required; 12 hours final notice

Dear Sir,

Your server has been unplugged due to a website involves in sales of counterfeit product. Please get back to us immediately for further action to take care this matter. We have received letter complaint from legal authority that your server IP: 205.209.140.66 is hosting website: www.eastarebiz.com which engaged in sale of counterfeit products. Please take down the specific website immediately, or we will disconnect the abuse IP.

Thank you for your cooperation.

Security SS

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DATE: 4-8-08
WITNESS: S. Chen
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J. WHITACRE, CSR 21

From: "security" <security@akanoc.com>
To: "?? ?" <wangkiyo@hotmail.com>
Sent: Tuesday, April 01, 2008 8:40 AM
Subject: www.eastarbiz.net Counterfeit product complaint; immediate action required; 12 hours final notice

Dear Sir,

Your server IP has been disabled due to a website involves in sales of counterfeit product. Please get back to us immediately for further action to take care this matter. We have received letter complaint from legal authority that your server IP:205.209.164.100 main IP:205.209.140.66 is hosting website: www.eastarbiz.net which engaged in sale of counterfeit products. Please take down the specific website immediately, or we will disconnect the abuse IP.

Thank you for your cooperation.

Security SS

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DATE: 4-8-08
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J. WHITACRE, CSR

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The purpose of this Acceptable Use Policy is to enhance the quality of the Services and to protect Coloalacarte.com customers, and the Internet community as a whole, from illegal, irresponsible, or disruptive Internet activities. This Policy applies to each Customer and its employees, agents, contractors or other users of such Customer who obtain Services from Coloalacarte.com. Each User should use common sense and good judgment in connection with the Services.

I) Prohibited Uses

A. Utilize the Services to send mass unsolicited e-mail to third parties.

B. Utilize the Services in connection with any illegal activity. Without limiting the general application of this rule, Users may not:

(i) Utilize the Services to copy material from third parties (including text, graphics, music, videos or other copyrightable material) without proper authorization.

(ii) Utilize the Services to misappropriate or infringe the patents, copyrights, trademarks or other intellectual property rights of any third party.

(iii) Utilize the Services to traffic in illegal drugs, illegal gambling, obscene materials or other any products or services that are prohibited under applicable law.

(iv) Utilize the Services in any manner that violates applicable law.

C. Utilize the Services in connection with any tortious or actionable activity. Without limiting the general application of this rule, Users may not:

(i) Utilize the Services to publish or disseminate information that (A) constitutes slander, libel or defamation, (B) publicizes the personal information or likeness of a person without that person's consent or (C) otherwise violates the privacy rights of any person.

(ii) Utilize the Services to threaten persons with bodily harm, to make harassing or abusive statements or messages, or to solicit the performance of acts or services that are illegal under applicable law.

D. Utilize the Services in connection with any other disruptive or abusive activity. Without limiting the general application of this rule, Users may not:

(i) Utilize the Services to cause denial of service attacks against Coloalacarte.com or other network hosts or Internet users or to otherwise degrade or impair the operation of Coloalacarte.com servers and facilities or the servers and facilities of other network hosts or Internet users.

(ii) Utilize the Services to subvert, or assist others in subverting, the security or integrity of any Coloalacarte.com systems, facilities or equipment.

(iii) Utilize the Services to gain unauthorized access to the computer networks of Coloalacarte.com or any other person.

(iv) Utilize the Services to provide passwords or access codes to persons not authorized to receive such materials by the operator of the system requiring the password or access code.

(v) Utilize the Services to (A) forge the signature or other identifying mark or code of any other person, (B) impersonate or assume the identity of any other person, or (C) engage in any other activity (including "spoofing") to attempt to deceive or mislead other persons regarding the true identity of the User (excluding the use of anonymous remailer or Internet nicknames).

(vi) Utilize the Services to distribute or post any virus, worm, Trojan horse, or computer code intended to disrupt services, destroy data, destroy or damage equipment, or disrupt the operation of the Services.

(vii) Utilize the Services to conduct port scans or other invasive procedures against any server (except any server for which the User is an authorized system administrator).

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J. WHITACRE, CSR

(viii) Utilize the Services to distribute, advertise or promote software or services that have the primary purpose of encouraging or facilitating unsolicited commercial e-mail or spam.

(ix) Utilize the Services to solicit or collect, or distribute, advertise or promote, e-mail address lists for the purpose of encouraging or facilitating unsolicited commercial e-mail or spam.

(x) Coloalacarte.com has no restrictions on contents. Adult materials, MP3s, games, and audio/video streaming are permitted. However, customers are strictly prohibited from using egg-drops, IRC bots, warez materials and shell hosting services on Coloalacarte.com servers and network.

(xi) Utilize the Services in any other manner to interrupt or interfere with the Internet usage of other persons.

II) Violations

Coloalacarte.com expressly disclaims any obligation to monitor its Customers and other Users with respect to violations of this Policy. Coloalacarte.com has no liability or responsibility for the actions of any of its Customers or other Users or any content any User may post on any Web site. Coloalacarte.com reserve the right to levy a penalty fee of \$25.00 per violation of the Acceptable Use Policy and Service Agreement.

A. Reporting Non-Copyright Violations. Coloalacarte.com encourages Users to report violations of this policy by e-mail to: abuse@coloalacarte.com, including in any such report the name of the offending domain and the type of abuse (i.e. spam, illegal acts, harassment, etc.) in the "subject" field of the e-mail.

B. Reporting Copyright Violations. Coloalacarte.com complies with the Digital Millennium Copyright Act ("DMCA"). Coloalacarte.com encourages Users to report an alleged copyright infringement involving a user by sending a notice to: support@coloalacarte.com

C. If Coloalacarte.com learns of a violation of this Policy, we will respond to the customer and may, in our sole discretion, take any of the following actions, in accordance with the severity and duration of the violation:

(i) Warning the Customer.

(ii) Suspending the offending Customer from the Services.

(iii) Terminating the offending Customer from the Services.

(iv) Imposing fees or charges on the offending Customer account in accordance with the applicable service contract.

(v) Removing the offending content.

(vi) Taking other action in accordance with this Policy, the applicable service contract or applicable law.

D. Each customer is required to utilize available network bandwidth so as to allow for reasonable network performance by all Coloalacarte.com users. Because bandwidth is a shared resource, excessive consumption of network bandwidth can interfere with or completely prevent normal network performance for other servers. Persistent, high-volume use of bandwidth-intensive tools and applications can and does prevent other users from being able to access the network.

Coloalacarte.com provides temporary burst (not sustained speed) up to 100Mbps for each server as a courtesy only. Servers that use more 10Mbps for 20 minutes or longer and/or consistently causing performance problems will be disconnected from the network to prevent such activities from obstructing network access for other users. Furthermore, customer will be responsible for all fees related to excessive bandwidth usage.

III) Reservation of Rights

Coloalacarte.com reserves the right to cooperate with appropriate legal authorities in investigations of claims of illegal activity involving Coloalacarte.com Services, Customers and other Users. Coloalacarte.com reserves all other rights to respond to violations of this Policy to the extent of applicable law and in accordance with any applicable contractual obligations.

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DATE: _____
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J. WHITACRE, CSR

Date: Wed, 03 Oct 2007 09:03:53 -0700

From: security <security@akanoc.com>

User-Agent: Thunderbird 2.0.0.6 (Windows/20070728)

MIME-Version: 1.0

To: steve chen <steve@racklogic.com>

Subject: Re: FW: Re: IP 205.209.185.7 main ip205.209.140.90999

References: <A81FA5F9274C00489B51148F478B441D1D26C8@rtextl.pdcl.fmt.racklogic.com>

In-Reply-To: <A81FA5F9274C00489B51148F478B441D1D26C8@rtextl.pdcl.fmt.racklogic.com>

Content-Type: text/plain; charset=GB2312

Content-Transfer-Encoding: 8bit

your mean he is holding a legit chanel site?

steve chen wrote:
> I think this one is legit; since I checked the content today.

> So, no need for the \$25.

> -----Original Message-----
> From: zhaomuserver [mailto:zhaomuserver@126.com]

> Sent: Tuesday, October 02, 2007 10:21 PM

> To: Will Lone

> Subject: Re:Re: IP 205.209.185.7 main ip205.209.140.90999

> administrator 和 8899888idc

> 这个客户及时关掉的, 是我这边忘记回复你们email了。真对不起。

> 在2007-10-03, "Will Lone" <will@akanoc.com> 写道:

> 我们为此类事件遭品牌公司法律诉讼, 赔偿了巨款。

> 所以对于这样的事情, 就如垃圾邮件一样的严格

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>>> 在2007-10-03, "Will Lome" <will@akanoc.com> 写道:
>>> 我们为此类事件遭品牌公司法律诉讼, 赔偿了巨款。
>>> 所以对于这样的事情, 就如垃圾邮件一样的严格
>>> 你先提供密码, 我们检查下, 是否已经解决, 再商量如何处理
>>> Will
>>> zhaomserver 写道:
>>> 这台服务器上一个站点遭投诉, 我已经电话通知客户, 他已经在12小时内关掉
>>> 了, 但是最近国庆, 上网时间紧张, 忘记回复 email 了, 结果被关机, 要找我们
>>> 要钱, 能否和安全部门说说啊。这个客户租了不少台服务器了。
>>> 谢谢帮忙。

Δ π EXHIBIT 29
DATE: _____
WITNESS: _____
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J. WHITACRE, CSR

Date: Thu, 29 Nov 2007 07:39:52 -0800

From: security <security@akanoc.com>

User-Agent: Thunderbird 2.0.0.9 (Windows/20071031)

MIME-Version: 1.0

To: Will Lone <will@akanoc.com>

Subject: [Fwd: Re: =?GB2312?B?x+uw?80mXQ==?=

Content-Type: multipart/alternative;
boundary="-----04008060001050804090207"

This is a multi-part message in MIME format.

-----04008060001050804090207

Content-Type: text/plain; charset=gb2312

Content-Transfer-Encoding: 8bit

content inspection

----- Original Message -----

Subject: Re: 请帮忙

Date: Thu, 29 Nov 2007 17:24:17 +0800

From: zhxiangtnk <zhxiangtnk@163.com>

To: security <security@akanoc.com>

References: <003e01c831e3f64bcfe60f0301a8c0@1231604878b442>

<474DABA6.1020806@akanoc.com>

不好意思, 客户的密码给错了, 这个下面才是正确的

- > 205.209.140.131 这台服务器的密码是 hk30527
- > 205.209.143.42 这台服务器的密码是 theking0101

----- Original Message -----

From: "security" <security@akanoc.com>

Find: 1

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 DATE: 4-8-08
 WITNESS: S. Chen
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 J. WHITACRE, CSR

Original Message

Subject: Re: 请帮忙
Date: Thu, 29 Nov 2007 17:24:17 +0800
From: zhxiangtnk <zhxiangtnk@163.com>
To: security <security@akanoc.com>
References: <003e01e831e3f64bcef60f0301a8c001231604878b442>
<474DDABA6.1020806@akanoc.com>

不好意思, 客户的密码给错了, 这个下面才是正确的

- > 205. 209. 140. 131 这台服务器的密码是 hk30527
- > 205. 209. 143. 42 这台服务器的密码是 theking0101

----- Original Message -----

From: "security" <security@akanoc.com>
To: "zhxiangtnk" <zhxiangtnk@163.com>
Sent: Thursday, November 29, 2007 1:55 AM
Subject: Re: 请帮忙

- > pls give us the login info, so that we shall check the contents to see
- > if the adult contents are still there. tks
- > security
- > zhxiangtnk wrote:
- >> 205. 209. 143. 42
- >> 205. 209. 140. 131
- >> 这两台服务器, 在18号的时候受到 ddos攻击, 因而被停机十天
- >> 目前已经十天了, 请麻烦帮我吧服务器重新开启, 谢谢

△ π EXHIBIT _____
 DATE: _____
 WITNESS: _____
 PAGE 2 OF 2
 J. WHITACRE, CSR

From: steve chen
Sent: Wednesday, September 12, 2007 8:49 AM
To: security
Cc: Willlone (E-mail)
Subject: RE: pls take care of this or you shall have another lawsuit

the rule is very clear, when we have a complaint with certain website, that website needs to be out of our network. if they just move around, unplug it. doesn't look like fadsportshoes.com and nonstopbeauty.com were complained before through email. so may give them 12 hours notice.
steve

-----Original Message-----

From: security [mailto:security@akanoc.com]
Sent: Wednesday, September 12, 2007 8:46 AM
To: steve chen
Subject: Re: pls take care of this or you shall have another lawsuit

well, they have quite a few of different websites, so they just close some and then transferred the files into another sites, guess you should

let will handle this one, i have just sent out a final notice to customer. pls ask will to let me know when done, so that i can respond to this complaint.

steve chen wrote:

> ok, just ping and still live 205.209.161.20 and 205.209.140.162; we
> notified customers already, correct?
> if so, unplug it.

-----Original Message-----

From: security [mailto:security@akanoc.com]
Sent: Wednesday, September 12, 2007 8:40 AM
To: steve chen
Subject: pls take care of this or you shall have another lawsuit

pls read 29679 in abuse@msg (file too big to forward to you) for lacoste shoes, this is the 3rd demand letter from lacoste shoes copyright infringement, you let them handle as customer promised to delete the files, but as i get into this website, those shoes are still

there, may be you should ask will to handle this or unplug it as a warning, so customer would take you seriously!

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J. WHITACRE, CSR

Andy Coombs

From: security
Sent: Tuesday, September 11, 2007 7:18 AM
To: caizj
Subject: Re: Please give me a reply, Thank you!

Dear Sir,

This is the 2nd time these servers are unplugged due to the same abuse complaint. The sites were not removed.

This time, you will need to pay for the reactivation fee, \$25 each to reconnect the servers.

Also, you will need to go through rKVM to manage the abuse issue. And we will verify the result before we can put the server back in operation.

Thanks for your attention.

Security SS

caizj wrote:

> Please tell me why ou server 205.209.136.90 &204.13.69.170 is
> unplugged!And then us how to deal with the server!can you plugged the
> server first for us and than tell me us how to dealt with the
> server!Thank you for your help!

> -----

> --

> caizj
> 2007-09-11

Δ (π) EXHIBIT 32
DATE: 4-8-08
WITNESS: S. Chen
PAGE 1 OF 1
J. WHITACRE, CSR

From: security
Sent: Friday, September 07, 2007 7:33 PM
To: zhonghh
Subject: [37848 Fwd: www.pickbags.com offering for sale counterfeit LACOSTE merchandise]
Attachments: www.pickbags.com.pdf



www.pickbags.com.
pdf (2 MB)

Dear Valued Customer,
RE: IP 204.13.71.233 main ip 205.209.136.90 if you dont remove this website within 12hrs,
we shall have to unplug it, pls resolve and respond.
security

----- Original Message -----
Subject: www.pickbags.com offering for sale counterfeit LACOSTE
merchandise
Date: Fri, 7 Sep 2007 12:54:37 -0400
From: Erinda Marga <EMarga@lacoste-usa.com>
To: <abuse@akanoc.com>

Dear Sir or Madam:

We have not yet received a reply to our attached letter of June 28,
2007, as well as our follow-up letter of July 20, 2007.

In order to resolve this matter amicably, we ask again for your written
confirmation that you will immediately cease providing services to the
owner of www.pickbags.com <<http://www.pickbags.com/>> until content
relating to the LACOSTE Marks is removed. Should you have any questions,
please feel free to call me at (212) 896-6374. We await your prompt reply.

This letter is written without prejudice to Lacoste Alligator S.A.'s
rights and remedies, all of which are expressly reserved.

Regards,

Erinda Marga

Anti-Counterfeiting Assistant

Lacoste USA Inc.

551 Madison Avenue, Suite 1400

New York, NY 10022

Δ (π) EXHIBIT 33
DATE: 4-8-08
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J. WHITACRE, CSR

From: steve chen
Sent: Friday, September 14, 2007 9:29 AM
To: security
Subject: RE: [29810 Fwd: Abuse Report]

it is in 66.79.176.78
ping lvbagz.com

-----Original Message-----

From: security [mailto:security@akanoc.com]
Sent: Friday, September 14, 2007 9:28 AM
To: steve chen
Subject: Re: [29810 Fwd: Abuse Report]

no customer data in cpro, should be a canceled ip.

steve chen wrote:

> give customer 12 hours notice; 24 hours unplug is good enough.
>

> -----Original Message-----

> **From:** security [mailto:security@akanoc.com]
> **Sent:** Friday, September 14, 2007 9:23 AM
> **To:** steve chen
> **Subject:** [29810 Fwd: Abuse Report]

>
>
> here is another one, pls take action. do i need to sent out notice
> first, or just unplug.

> ----- Original Message -----

> **Subject:** Abuse Report
> **Date:** Thu, 13 Sep 2007 19:37:08 -0700 (PDT)
> **From:** C K <aureusanimi@yahoo.com>
> **To:** abuse@managedsg-inc.com

> To whom it may concern:

> The following domain(s) are hosted on your servers or is within your
IP

> block. Please notify the correct hosts of this fraudulent domain
> immediately:

> URL: http://www.1strelicas.com/
> Site Name: Louis Vuitton/Louis Vuitton Online Shop/Replica Louis
Vuitton
> IP: 205.209.154.12

> Please understand that after receiving this message, you have been
> notified of individual(s) conducting illegal activities using your
> servers. If you fail to take down this website and all associated
email
> addresses, you could be held liable for any damages incurred.

> THIS SITE IS FRAUDULENT FOR THE FOLLOWING REASONS:

> +Site has an exact copy, or clone. This is a very common practice
> amongst perpetrators of fraudulent websites. URL of clone is her
> http://www.lvbagz.com/

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DATE: 4-9-08
WITNESS: S. Chen
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J. WHITACRE, CSR

>
 > + This is not only the same wording and template, the website looks
 > exactly the same except minor details such as contact information.
 >
 > + Site claims to have had offers of a "free worldwide shipping" that
 > "ends 11/27/2006. However, this website came into existence on
 > 03/05/2007 as you can clearly see on the WHOIS report. How could they
 >
 > have offered a special that ended on 11/27/2006 if they did not even
 > exist until the next year?
 >
 > + Site only has a one-year registration; most legit businesses do not
 > have a registration of such a short time period. It was registered on
 >
 > 03/05/2007 and expires the same date in 2008, as you can see by the
 > WHOIS record. <http://whois.domaintools.com/1strelicas.com>
 >
 > + Site claims to have secure methods of leaving information, yet asks
 > for personal information in an insecure format. For example, this is
 > the account sign-up page. It is not <https://> as one would expect of a
 >
 > legit business. <http://www.1strelicas.com/reg.asp?action=yes>
 >
 > + Site refers to itself as the clone site on this page. Instead of
 > 1st
 > Replicas, it refers to itself as "LvBagz.com <<http://lvbagz.com/>>"
 > which
 >
 > is a clone site.
 >
 > + Contact information on the site is lvbagz@gmail.com which again
 > refers
 >
 > to the name of the clone site. There are no other modes of contact on
 >
 > the website, except for an additional email address,
 > sales@watchnreplica.com, located on the bottom of the home page.
 > They
 > do not have an email under their own domain name, or an email address
 > for that matter because they appear to operated by one called
 > <http://www.watchnreplica.com> <<http://www.watchnreplica.com/>> which has
 >
 > been recognized as fraudulent, as I will establish shortly.
 >
 > +Site does not appear to have any other contact information to be
 > reached other than the email addresses. There is no telephone number
 > to
 >
 > call nor physical or even a mailing address.
 >
 > + Company has odd disclaimer about credit card orders on the following
 >
 > page, claiming that credit card orders take longer to process,
 > "because
 > they limit the monthly volume that merchants (such as ourselves) can
 > process each month. By the middle of every month, we have normally
 > reached our processing limit and are asking customers to select other
 > payment methods for immediate delivery." Instead, they will insist
 > on
 > a payment such as WU or bank account wire, with a preference for WU:
 > "
 > Usually, Western UnionBank Wire are the quickest forms of delivery and
 > the orders are shipped out before we even have a chance to contact
 > you.
 > Instructions for paying will be sent through a return email."
 > is

> because WU transfers are untraceable.
>
> + Another strange disclaimer concerning credit cards on the payment
> options:
>
> "The most convenient method of payment is credit card. We only accept
> the VISA card which is Verified by VISA (more information). There is a

> 2-3 day verification period where we will call the cardholder to
verify
> the information on the card. To prevent fraud, there is a maximum
> transaction limit of \$800 per transaction imposed by the bank."
>
> + They indicate that credit card payment is "most convenient" however,

> note that process that they claim needs to be taken in order to
complete
>
> a CC transaction. In addition, previously on the same page, they
> indicated that Western Union will have the "quickest forms of delivery"

> often getting out the delivery "before we even have a chance to
contact
> you." If this is the case, why do they claim that credit card
payments
> are more convenient--especially given that they only accept Visa?
All
> the previous can be read here:
> <http://www.1strelicas.com/cart.asp?action=step2&userid=-1>
> <<http://www.1strelicas.com/cart.asp?action=step2&userid=-1>>
>
> +When one attempts to pay via credit card, it is supposed to take you
to
>
> a page that " Instead, it never loads and times out, with the
following
> message:
>
> The connection has timed out
>
> The server at creditpay.nps.cn
> <<http://creditpay.nps.cn/>> is taking too long to respond.
>
>
> * The site could be temporarily unavailable or too busy. Try
again
>
> in a few
> moments.
>
> * If you are unable to load any pages, check your computer's
> network
> connection.
>
> * If your computer or network is protected by a firewall or
proxy,
>
> make sure
> that Firefox is permitted to access the Web.
>
> This is at the following:
>
> <https://creditpay.nps.cn/ReceiveI18NMerchantOutcardActionNormalV1.do>
>
> +Site has same credit card disclaimer as other known websites it is
> linked to, examples of which can be seen here:
>

http://www.watchnreplica.com/shop/cart.asp?action=shop1&id=1226,%20712&m
> anstyles=
>
<http://www.watchnreplica.com/shop/cart.asp?action=shop1&id=1226,%20712&
> manstyles=>
> and here:
http://www.lvbagz.com/cart.asp?action=shop1&id=1853&manstyles=
>
> <http://www.lvbagz.com/cart.asp?action=shop1&id=1853&manstyles=>
>
> + On the upper left hand corner of the non-secure payment option page,

> please note that instead of referring to 1st replicas, it refers to
> "LVBAGZ" the name of the clone site.
>
> +When the word "watchnreplica" which is who supposedly owns the
> copyright of the page (see bottom of page: Copyright © watchnreplica
> Online Shop) the first two hits that turn up are sites that have the
> following disclaimer: "This site may harm your computer." This
> indicates that there is malware associated with that website--possibly

> exploits or something more harmful, such as trojans. You can see the
> result here:
>
>
<http://www.google.com/search?hl=en&sa=X&oi=spell&resnum=0&ct=result&cd=
>
> 1&q=watchnreplica&spell=1>http://www.google.com/search?hl=en&q=Watchnrep
> lica+&btnG=Google+Search
>
> +Note that in the above, one of the sites that is listed as "harmful"
> has the sales@watchnreplica.com listed as the contact, one of the same

> contacts for this website. This proves that whoever runs this website

> also runs that one, and establishes that they are associated with
> malware. The first two hits are from the same website, and the next
> two are from www.luxuryhours.com <http://www.luxuryhours.com/>, which

> is associated with watchnreplica. The 4th hit is the one that displays

> the contact information with the malware warning from Google.
>
> +Watchnreplica which claims copyright of this website is listed as a
> known fraudulent website on this forum thread. The name of the forum
is
>
> 419 Online: The Internet Scam Site. Please check the Thu Jul 06, 2006
> 1:03 am to verify.
>
http://www.forumforfree.com/viewtopic.php?p=2508&sid=1d441fc9abaf71fc9d8
> 2e59ba66b5f35&mforum=scam
>
<http://www.forumforfree.com/viewtopic.php?p=2508&sid=1d441fc9abaf71fc9d
> 82e59ba66b5f35&mforum=scam>
>
>
> +Here is a website that indicates to potential buyers of replica
watches
>
> which sites to buy from and which ones to avoid, in an attempt to help

> people avoid fraud. Watchnreplica is listed as a site to avoid, so
this
>
> establishes that the other websites run by these individuals should
also

>
> be avoided, including this one. Link to the list of sites that are
> recommended/not recommended are here:
>
> <http://www.replicaprofile.net/reviews.htm>
>
> +The following caveat is given about watchnreplica's websites:
>
> "This site is saying it is for "novelty purpose" and claim to promote
> you buying the real thing. So far about 90% of the feedback we've had

> from customers has been horrible. They are very visible on the net
with
>
> their advertising on google and other search engines, but this in no
way
>
> makes them reliable. Many complaints from customers not getting
> anything for their orders. Watch out."
>
> +This caveat should be extended to all websites they are responsible
> for, including <http://www.lstrelicas.com/> which they claim as
> copyright, and which shows their contact information on the website.
>
> PLEASE TAKE THE FOLLOWING ACTION RIGHT AWAY:
>
> * Verify the fraudulent nature of this site, as outlined above.
> * Shut down all email accounts and web pages associated with this
> site, and hold a copy for the authorities.
> * Redirect all traffic for this domain(s) to the following page,
to
> inform potential visitors of the dangers of advance fee fraud:
> <http://www.met.police.uk/fraudalert/>
> * Check for other sites/domains established by this customer: fake

> sites tend to be created by a small number of people.
> * Contact the police with any credit card and contact information
> you have on record: fraudulent sites are often funded with stolen
credit
>
> cards.
>
> REMEMBER: THE PEOPLE BEHIND THESE SITES ARE CRIMINALS, OFTEN MEMBERS
OF
> INTERNATIONAL GANGS. DO NOT REVEAL PERSONAL INFORMATION TO THEM EXCEPT

> WHEN ABSOLUTELY NECESSARY.
>
> Help us stamp out 419 scams. Shut down this website!
> For more information on 419 scams, please visit:
>
> For more information on 419 scams, please visit:
> Scotland Yard -- <http://www.met.police.uk/fraudalert/419.htm>
> Interpol --
>
> [http://www.interpol.int/Public/FinancialCrime/FinancialFraud/NigerianLet](http://www.interpol.int/Public/FinancialCrime/FinancialFraud/NigerianLetter.asp)
> [ter.asp](http://www.interpol.int/Public/FinancialCrime/FinancialFraud/NigerianLetter.asp)
> Artists Against 419 -- <http://www.aa419.org> (aa419 website
temporarily
> down)
>
> Thank you for your prompt attention. If you feel more information is
> needed before you can proceed with closing this domain, please feel
free
>
> to contact me at: aureusanimi@yahoo.com
>

Δ π EXHIBIT _____
DATE: _____
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PAGE 5 OF 6
J. WHITACRE, CSR

> Sincerely,
>
> Charlene Kingston
>
>

> Be a better Heartthrob. Get better relationship answers
>
> <http://us.rd.yahoo.com/evt=48255/*http://answers.yahoo.com/dir/_ylc=X3o
>
> DMTI5MGx2aThyBF9TAzIxMTU1MDAzNTIEX3MDMzk2NTQ1MTAzBHN1YwNCQUJwaWxsYXJfTk1
> fMzYwBHNSawNQcm9kdWN0X3F1ZXN0aW9uX3BhZ2U-?link=list&sid=396545433>from

> someone who knows.
> Yahoo! Answers - Check it out.
>
>

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J. WHITACRE, CSR

From: security
Sent: Monday, November 19, 2007 3:31 PM
To: noraq
Subject: [Fwd: www.nikenettrade.com selling counterfeit Lacoste clothing (USA-0528)]
Attachments: Demand to ISP.pdf

Hi Nora,
Attached is the counterfeit produce complaint from Locoste.
We have temporarily removed 205.209.177.158 from the server. Please clean up this offending site so we can reconnect the IP back to your server.
Thanks.
Security SS

----- Original Message -----

Subject: www.nikenettrade.com selling counterfeit Lacoste clothing (USA-0528)
Date: Mon, 19 Nov 2007 16:37:20 -0500
From: Erinda Marga <EMarga@lacoste-usa.com>
To: abuse <abuse@managedsg-inc.com>

Dear Sir or Madam,

Please see attached a cease and desist letter regarding www.nikenettrade.com and its offer for sale and sale of counterfeit Lacoste merchandise.

Regards,

Erinda Marga
Anti-Counterfeiting Assistant
Lacoste USA Inc.
551 Madison Avenue, Suite 1400
New York, NY 10022

3/25/2008

Δ (π) EXHIBIT 39
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WITNESS: S. Chen
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J. WHITACRE, CSR



November 19, 2007

VIA U.S. MAIL AND E-MAIL

abuse@managedsg-inc.com

Managed Solutions Group, Inc.
46750 Fremont Boulevard, #107
Fremont, California 94538

Re: www.nikenettrade.com selling counterfeit Lacoste clothing (Our Ref.: USA-0528)

Dear Sir or Madam:

I am the Anti-Counterfeiting Assistant of Lacoste USA, Inc., a subsidiary of Lacoste Alligator, S.A., owner of the famous LACOSTE and Crocodile Logo trademarks (the "LACOSTE Marks"). It has recently come to our attention that you provide services to a website, www.nikenettrade.com, which is offering for sale counterfeit Lacoste merchandise (see attached print-out). Such unauthorized uses infringe and dilute the famous Lacoste Marks in violation of Sections 32 and 43(a) and (c) of the Lanham Act, 15 U.S.C. §§1114 and 1125 (a) and (c), and in violation of our rights under the common law. These laws entitle Lacoste to extensive remedies, including preliminary and permanent injunctions, recovery of profits, treble damages and attorneys' fees or other statutory damages. This is a matter of immediate concern to Lacoste, S.A. ("Lacoste").

The LACOSTE Marks, which have been in use since 1935, are among the best known designer sportswear trademarks in the U.S. and throughout the world. Through an enormous investment of time and effort, and extensive advertising and promotion over many years, the LACOSTE Marks have come to be associated exclusively with Lacoste and its goods and represent an enormous goodwill. Only Lacoste and those authorized by Lacoste are entitled to use the LACOSTE Marks or to offer goods bearing the LACOSTE Marks. The registrant of www.nikenettrade.com has never received any such authorization.

Given that the site in question is selling counterfeit merchandise bearing one or more of the LACOSTE Marks through your service, we ask for your written confirmation by **December 10, 2007** that you will immediately cease providing services to the owner of the website until content relating to the LACOSTE Marks is removed. Please respond either by e-mail to emarga@lacoste-usa.com or by U.S. mail to the address listed below.

This letter is without prejudice to Lacoste Alligator S.A.'s rights and remedies, all of which are expressly reserved.

Very truly yours,

Heike Bhonsle
Anticounterfeiting Manager
Lacoste USA, Inc.

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J. WHITACRE, CSR

LACOSTE USA, INC

551 MADISON AVENUE • SUITE 1400 • NEW YORK • NEW YORK 10022 • TELEPHONE 212 822 6944 FAX 212 750 7830

From: security
Sent: Sunday, December 23, 2007 11:03 AM
To: zhonghh; Willlone (E-mail)
Subject: [42815 Fwd: Notification of copyright and trademark infringement on HUBLLOT watches on http://www.theonewatch.com/ - Our ref.: 142.151.07.1]

Dear Valued Customer,
RE: IP 204.16.194.104 main ip 205.209.136.90 Akanoc.com has received complaints about illegal spam/ spamvertised site/ copyrighted contents/activities being hosted or distributed from your server. A copy of the complaint is attached for your perusal. Please be advised that your server is currently in violation of our Acceptable Use Policy— http://www.akanoc.com/acceptable_policy.htm

To avoid termination of service and a penalty fee of \$25.00 per violation, We request that you investigate and terminate the aforementioned account immediately. Here by, we shall give you a 12 hours notice before we shall take any unwanted action as to shut down your server without further notice. Please notify us when this case is resolved

If you have any question, please don't hesitate to contact us.

Thank you for your kind attention and full co-operation.

Best Regards

Network Security Team
Akanoc Solutions, Inc.
www.akanoc.com
www.colocalacarte.com
www.dediwebhost.com

----- Original Message -----

Subject: Notification of copyright and trademark infringement on HUBLLOT watches on <http://www.theonewatch.com/> - Our ref.: 142.151.07.1
Date: Fri, 21 Dec 2007 12:10:46 +0100
From: Jean-Marc Vuithier <jmvuithier@cmlaw.ch>
To: <abuse@akanoc.com>
CC: Florence Mollet <fmollet@cmlaw.ch>

Dear Sir or Madam,

Our firm is counsel to *Hublot SA*, in Nyon, the company manufacturing and distributing the famous Swiss luxury watches bearing the Hublot trademark, and its affiliated company *Hublot SA, Genève*, in Geneva, as owner of the intellectual property rights relating to the Hublot watches (both companies being hereinafter commonly referred to as *Hublot*).

Since 1980, *Hublot* has gained substantial reputation associated with the exclusive nature of its watches, due to the originality of their design and high technical quality, as well as to the time, effort and means intensely invested into the development of its Hublot trademark. As a result, *Hublot* has now reached worldwide recognition as one of the leading Swiss horological brands.

Insofar as necessary, the present letter complies with the formal request of the U.S. Digital Millennium Copyright Act (DMCA) and similar laws in other jurisdictions.

1. E-mail signature of the undersigned set forth below.

1

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J. WHITACRE, CSR

2. Identification of the copyrighted works and trademarks infringed:

Hublot is the exclusive owner of the copyright attached to the various models of all watches in the various Hublot collections, which are accessible on its website: http://www.hublot.com/hublot_prod/site/hublot/index.php (with the "Collection" link) and of the "/" trademark, which is registered in international class 14, namely for watches, in particular in the following countries:

- Switzerland, registration n° P-308674;
- International WIPO registration n° 460421 under the Madrid System (for detail see: <http://www.wipo.int/romarin> <<http://www.wipo.int/romarin/>>: search in the field "International Registration Number" with: 460421);
- United States of America, registration n° 1222529 (for detail see: <http://www.uspto.gov/main/trademarks.htm>: with Search link and then with any Search Form, in the Field: "Serial or Registration Number", with: 1222529).

3. Identification of the infringing material:

It has come to our client's attention that the <http://www.theonewatch.com/> website, of which your company, AKANOC Solutions Inc., appears to be the host provider (cf. <http://whois.domaintools.com/204.16.194.104>), is displaying and offering for sale fake HUBLOT watches, that is, so-called replicas that illegally reproduce Hublot's original copyright and trademark, as follows:

among the brands listed in the left "Catalog / Replica Watches 2007" column on the <http://www.theonewatch.com/index.asp> page, the "Hublot Replica" link is leading to the <http://www.theonewatch.com/product.asp?classid=599> page, where 4 Hublot models are displayed for sale, with the following individual links:

- <http://www.theonewatch.com/productinfo.asp?id=2351&pclassid=599>
<<http://www.theonewatch.com/productinfo.asp?id=2351&pclassid=599>>
- <http://www.theonewatch.com/productinfo.asp?id=2350&pclassid=599>
<<http://www.theonewatch.com/productinfo.asp?id=2350&pclassid=599>>
- <http://www.theonewatch.com/productinfo.asp?id=2349&pclassid=599>
<<http://www.theonewatch.com/productinfo.asp?id=2349&pclassid=599>>
- <http://www.theonewatch.com/productinfo.asp?id=2348&pclassid=599>
<<http://www.theonewatch.com/productinfo.asp?id=2348&pclassid=599>>

You will note that the incriminated website is written in English, thus targeting an unrestricted worldwide audience, especially located in the above-mentioned countries where Hublot's trademark is registered.

4. This firm physical address is:

Cabinet Juridique Merlotti
15, Boulevard Helvétique
CH - 1207 Geneva, Switzerland
Telephone number: 0041 22 849 88 44

You may also contact our office by email at jmvuithier@cmlaw.ch
<<mailto:jmvuithier@cmlaw.ch>>.

5. We have a good faith belief that the use of the infringing material in the manner complained of is not authorized by HUBLOT, its agent or the law.

6. We further declare that the information in this letter is accurate and, ^Δ ^Π under penalty EXHIBIT
DATE: _____

of perjury, that we are authorized to act on behalf of HUBLOT, the owner of the exclusive rights infringed.

As you know, Internet Service Providers and Host Providers can be held liable if they do not respond to claims of infringement pursuant to the legal requirements in this matter.

We therefore request you to immediately stop the hosting of the aforesaid website and take any and all appropriate measures to avoid any further infringement on Hublot's rights by the registrant of the related domain name.

Please confirm by return e-mail that you will proceed accordingly.

Nothing stated herein is intended as, nor should it be deemed, to constitute a waiver of any of our clients' rights or remedies, all of which are hereby expressly reserved.

We thank you in advance for your cooperation and remain

Yours sincerely,

Cabinet Juridique Merlotti

Jean-Marc Vuithier

jmvuithier@cmlaw.ch <mailto:jmvuithier@cmlaw.ch>

15, boulevard Helvétique

CH - 1207 Geneva

Tel. +41 22 849 8844

Fax +41 22 735 4007

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DATE: _____
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J. WHITACRE. CSR

From: security
Sent: Tuesday, August 21, 2007 7:53 AM
To: steve chen
Subject: Re: FW: [36874 Fwd: Infringing website : www.watch-ebay.com]

ok, let me know when it surface, i need to notify customer, guess it a serious issue!

steve chen wrote:

> it is our IP; but db screwed up; can't find it; they will need to
> find it through the router.

>
> -----Original Message-----

> From: security [mailto:security@akanoc.com]
> Sent: Tuesday, August 21, 2007 7:51 AM
> To: steve chen
> Subject: Re: FW: [36874 Fwd: Infringing website : www.watch-ebay.com]

>
> is it your ip? do i need to notify him? what's up? or no one owns it?

> steve chen wrote:

>> not cpro searchable.

>> -----Original Message-----

>> From: security [mailto:security@akanoc.com]
>> Sent: Tuesday, August 21, 2007 7:43 AM
>> To: steve chen
>> Subject: [36874 Fwd: Infringing website : www.watch-ebay.com]

>> who owns this ip of 204.16.193.36? pls adv. replica of watches

>> ----- Original Message -----

>> Subject: Infringing website : www.watch-ebay.com
>> Date: Tue, 21 Aug 2007 16:31:40 +0200
>> From: Carole Aubert <caubert@fhs.ch>
>> To: abuse <abuse@akanoc.com>, sales <sales@watch-ebay.com>, tech
>> <tech@akanoc.com>

>> Votre Réf/Ihr Zeichen/Your Ref: www.watch-ebay.com Notre Réf/Unser
>> Zeichen/Our Ref: 2007m0802/Ca/Fb

>> Dear Madam, Dear Sir,

>> The Federation of the Swiss Watch Industry FH is the main
>> organization of the domain, with membership of over 500 companies -
>> representing

> 90%

>> of Swiss watch producers. The purpose of the FH is to contribute

> the

>

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DATE: 4-9-08
WITNESS: S. Chen
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J. WHITACRE, CSR

>> defence and development of the Swiss watch industry in Switzerland
>> and abroad, as well as to protect the interests of its members. On
>> the
>>
> basis
>
>> of general and ad hoc mandates, the Federation has the authority to
>>
> take
>
>> action in order to defend the rights of its members.
>>
>> In this case we act on behalf of the following brands: AUDEMARS
>>
> PIGUET,
>
>> BREITLING, BULGARI, CHANEL, CHOPARD, FRANCK MULLER, HUBLLOT, ORIS,
>>
> PATEK
>
>> PHILIPPE, TAG HEUER, ZENITH, CORUM, GUCCI .
>>
>>
>> Intellectual property rights - essentially trademarks, design and
>>
> patent
>
>> rights - give their owners the exclusiveness to use their creations,
>> inventions or a combination of both. The protection granted by law
>> and those rights is justified by the efforts and competences implemented.
>> Therefore, use of intellectual property (IP) without consent is
>>
> illegal.
>
>> FH actions and projects are guided by its members' needs and FH
>> organization offers them a wide range of different services,
>> including the fight against sale of counterfeits.
>>
>> We write you concerning the activities of the website called:
>> www.watch-ebay.com .
>>
>>
>> According to our information your are hosting this infringing website
>>
> on
>
>> your servers. Your are certainly aware that sale of counterfeits, off
>>
> or
>
>> on line, infringes the owners' intellectual property rights. The
>> infringing website mentioned below contains the following Trademarks
>> among others: AUDEMARS PIGUET, BREITLING, BULGARI, CHANEL, CHOPARD,
>> FRANCK MULLER, HUBLLOT, ORIS, PATEK PHILIPPE, TAG HEUER, ZENITH,
>> CORUM, GUCCI protected by International legislation.
>>
>> Manufacturing, distributing, selling and advertising counterfeiting
>> items constitute a serious violation of Trademarks mentioned hereby.
>> This means that the contents of the website and the website itself
>> are illegal.
>>
>> We accordingly demand you:
>>
>> 1. to stop hosting infringing website called: www.watch-ebay.com
>>
>> 2. preserve any and all documents and records relating to this
>> matter, including but not limited to electronic data and other

EXHIBIT _____
DATE: _____
WITNESS: _____
PAGE 2 OF 4
J. WHITACRE, CSR

>> information
>>
> which
>
>> may be relevant/discoverable in the event of litigation.
>>
>>
>> We state that:
>>
>> • FH is an agent authorized to act on behalf of the owner, of certain
>> intellectual property rights ("IP Owner") (trademarks, design and
>>
> patent
>
>> rights);
>>
>> • FH have a good faith belief that the website identified in the
>> addendum attached hereto, offer items or contain materials that are
>>
> not
>
>> authorized by the IP Owner, its agent, or the law, and therefore
>> infringe the IP Owner's rights
>>
>> • We state, under penalty of perjury, that the above information in
>>
> this
>
>> notice is accurate.
>>
>>
>>
>> FH may be contacted at:
>>
>> Federation of the Swiss Watch Industry FH
>>
>> Att. Carole Aubert, Head of Internet Unit
>>
>> Rue d'Argent 6
>>
>> CH-2501 Bienne (SWITZERLAND)
>>
>> Email address (for correspondence) caubert@fhs.ch
>>
>> Email address (to be given to your clients) net@fhs.ch
>>
>> Telephone: ++41 32 328 08 28
>>
>> Fax: ++41 32 328 08 80
>>
>>
>>
>> We thank you for your further cooperation and should you have any
>>
> other
>
>> question, please contact us to settle this matter.
>>
>>
>>
>>
>> Yours sincerely,
>>
>>
>>
>> Federation of the Swiss Watch Industry Carole Aubert Head of Internet

>> Unit
>> CH-2501 Bienne
>> Tel + (0)32 328 08 28 ; Fax + (0)32 328 08 80 www.fhs.ch
>>
>>
>>
>>
>
>

Δ π EXHIBIT _____
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PAGE 4 OF 4
J. WHITACRE CSR

From: security
Sent: Sunday, September 02, 2007 2:35 PM
To: abuse@knownhost.com
Subject: Re: [KHabuse #21951]: [28706 Fwd: Someone from this IP is trying to hack me. ... DDOS as well]

ok, i shall close this ticket. tks
security

KnownHost Abuse wrote:

> Hello,
>
> We talked to the person who complained and he provided log files and
> as we suspected he was incorrect. See attached. This log file shows
> that some system with internal IP in his network (192.168.1.69) is
> trying to connect to the web server running on the 205.209.146.96 IP
> and his firewall is dropping responses received from the web server.
> So the accusation is false. We consider this to be resolved. Any
> questions let us know.
>
> Regards,
> Joel
>
> KnownHost abuse
>
> Ticket Details
> Ticket ID: 21951
> Department: Abuse
> Priority: Urgent
> Status: On Hold
>

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DATE: 4-12-08
WITNESS: J. LUK
PAGE 1 OF 1
J. WHITACRE, CSR

From: security
Sent: Thursday, September 06, 2007 11:12 PM
To: ZHUJI.BIZ
Subject: Re: [29104 Fwd: Attack Detected from 66.79.166.93]

being sad cant resolve this problem, contact your customer and get it done right away please.
let me know when done with so that i can close this ticket, or if anymore complaints come in, i shall have no choice but to shut it down.
best regards
security

ZHUJI.BIZ wrote:

> very sad.

>

> I am sure he is innocent.

>

>

>

> On 9/7/07, *security* <security@akanoc.com

> <mailto:security@akanoc.com>> wrote:

>

> Dear Valued Customer,

> RE: IP 66.79.166.93 <http://66.79.166.93>

> Akanoc.com <http://Akanoc.com> has received complaints about illegal contents/activities/spam/spamvertised site being hosted or distributed from your server, A copy of the complaint is attached for your perusal.

> Please be advised that your server is currently in violation of our Acceptable

> Use Policy— <http://www.dediwebhost.com/policy.htm>

> To avoid termination of service and a penalty fee of \$25.00 per violation,

> We request that you investigate and terminate the aforementioned account

> immediately.

> Here by, we shall give you a 12 hours notice before we shall take any unwanted action as to shut down your server without further notice.

> If you have any question, please don't hesitate to contact us.

> Thank you for your kind attention and anticipate your full co-operation.

> Best Regards

> Network Security Team

> Akanoc Solutions, Inc.

> www.akanoc.com <<http://www.akanoc.com>>

> www.dediwebhost.com <<http://www.dediwebhost.com>>

> www.colosalacarte.com <<http://www.colosalacarte.com>>

>

>

>

> ----- Original Message -----

> Subject: Attack Detected from 66.79.166.93

> <<http://66.79.166.93>>

> Date: 6 Sep 2007 17:59:25 -0000

> From: please_reply_to_security@cavion.com

> <mailto:please_reply_to_security@cavion.com>

> To: abuse@managedsg-inc.com <mailto:abuse@managedsg-inc.com>

>

>

>

> Our intrusion detection/prevention systems have detected malicious activity originating from 66.79.166.93 <<http://66.79.166.93>>,

1

Δ (π) EXHIBIT 44
DATE: 4-12-08
WITNESS: J. LUK
PAGE 1 OF 2
J. WHITACRE, CSR

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> located on your network.
> It would be appreciated if you could do what you can to stop this
> activity.
> I am including a summary from our security systems at the end of
> this email.
>
> Security Event:
> -----
> Source IP Address: 66.79.166.93 <http://66.79.166.93>
> Target: 207.174.173.68:32000/TCP <http://207.174.173.68:32000/TCP>
> Detected at: 9/6/07 8:11:14 AM GMT -0600
> Event type: Port bite. This means that the offending IP address
> attempted to carry out an attack on a protected service using
> information gathered from reconnaissance.
> Action taken: Source Block
>
> Cavion Plus Security
> security@cavion.com <mailto:security@cavion.com>
>
> Please direct all replies and requests for additional information
> to security@cavion.com <mailto:security@cavion.com>
>
>
>
>
> --
> Regards

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J. WHITACRE, CSR

From: security
Sent: Thursday, December 13, 2007 8:38 PM
To: zhaomuserver
Subject: Re: [Fwd: Counterfeit product complaint; immediate action required; 12 hours final notice]

Can you guaranty this won't happen again?

zhaomuserver wrote:

Now I have closed the website <http://www.nikeshoesoffer.com/>

Could you pls open 205.209.140.162 as soon as possbile?

2007-12-14 security <security@akanoc.com> D'μÀ£°

Resend.

security wrote:

- >
- > Dear Sir,
- >
- > We have received letter complaint from legal authority that your
- > server IP:205.209.140.162 main IP:205.209.140.162 is hosting website:
- > nikeshoesoffer.com which engaged in sale of counterfeit products.
- > Please take down the specific website immediately, or we will
- > disconnect the abuse IP.
- >
- > Thank you for your cooperation.
- >
- > Security SS
- >
- >
- >
- >

Δ (π) EXHIBIT 45
 DATE: 4-12-08
 WITNESS: J. LUK
 PAGE 1 OF 1
 J. WHITACRE, CSR

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From: security
Sent: Thursday, September 13, 2007 8:56 AM
To: noraq@126.com
Cc: Willlone (E-mail)
Subject: Re: [29763 Fwd: Abuse Investigator]

it doesnt matter who complained, all you need to do is you ask your customer to remove all those illegal sites immediatly, selling copyrighted merchandises is illegal.pls resolve it within 12hrs, or i shall have no choice but to shut your servers down.
security

noraq@126.com wrote:

> we want to know which company is complaining the sites, we have to
> send complaint details to the customers, thanks

>
> -----
> .
> <noraq@126.com>
>
> [29763 Fwd: Abuse Investigator]

>> Dear Valued Customer,
>> RE: IP 205.209.149.18 &.17. & .13 pls remove all the illegal sites
>> within 12hrs, or we shall have to shut them all down. tks Akanoc.com
>> has received complaints about illegal spam/ spamvertised site/
>> copyrighted contents/activities being hosted or distributed from
>> your server. A copy of the complaint is attached for your perusal.
>> Please be advised that your server is currently in violation of our
>> Acceptable Use Policy;^ http://www.akanoc.com/acceptable_policy.htm
>>
>> To avoid termination of service and a penalty fee of \$25.00 per
>> violation,
>> We request that you investigate and terminate the aforementioned
>> account
>> immediately.
>> Here by, we shall give you a 12 hours notice before we shall take
>> any unwanted action as to shut down your server without further notice.
>> Please notify us when this case is resolved
>>
>> If you have any question, please don't hesitate to contact us.
>>
>> Thank you for your kind attention and full co-operation.

>> Best Regards
>>
>> Network Security Team
>> Akanoc Solutions, Inc.
>> www.akanoc.com
>> www.colosalacarte.com
>> www.dediwebhost.com

>> ----- Original Message -----
>> Subject: Abuse Investigator
>> Date: Thu, 13 Sep 2007 22:18:22 +0800 (CST)
>> From: huangying.xm <huangying.xm@163.com>
>> To: abuse@managedsg-inc.com

>> I have found a lots abuse damains on our IDC IP,
>>

Δ (π) EXHIBIT 46
DATE: 4-12-08
WITNESS: J. LUK
PAGE 1 OF 2
J. WHITACRE, CSR

> > These server are used for Fraudulent Domain Hosting,
> >
> > Please Investigator and Termination of service.
> >
> > These server IP likes:205.209.149.18/13/17/140.162.
> >
> > www.mknike.com <http://www.mknike.com/> 205.209.149.18
> > www.ptmaike.com <http://www.ptmaike.com/> 205.209.149.18
> > www.worldmarket68.com <http://www.worldmarket68.com/> 205.209.149.18
> > www.998trade.com <http://www.998trade.com/> 205.209.149.13
> > www.nike222.com <http://www.nike222.com/> 205.209.140.162
> > www.nikel0000.com <http://www.nikel0000.com/> 205.209.149.17
> > www.nikeson.com <http://www.nikeson.com/> 205.209.149.17
> > www.nike9988.com <http://www.nike9988.com/> 205.209.149.17
> >
> > Thank you for your time .
> >
> >
> >
> > -----
> > ---- ρΑÓÐ; °ÖË°Á±£İÖ¹ñ;±±£»ΑÛÄ££¬; °ÈðÇ08°æ;±; °Ê¼ÄÄ·Ñ
> >
> > <http://adclient.163.com/event.ng/Type=click&FlightID=94603&AdID=96090
> > &TargetID=1200&Values=31,43,51,60,72,85,91,100,110,312,332,499,587,701
> > ,702,733,734&Redirect=http://www.rising.com.cn/2008/trial/index.htm>
> >
> > -----
> > ---- ÐÄÖöÖ÷¶·ÀÓù¹;ÄÛ£¬ÈðÇ2008°æÈ«ÄÄÄ·Ñ
> >
> > <http://pro.163.com/event.ng/Type=click&FlightID=95980&AdID=97425&Targ
> > etID=635&Values=31,43,51,60,72,84,90,100,110,312,330,332,499,582,733,7
> > 34&Redirect=http://ad.cn.doubleclick.net/clk;134682177;20226578;k%3Fht
> > tp://www.rising.com.cn/2008/trial/index.htm>
> >
> >
> >
> >
> > -----
> > -- È«¹ú íò Äù Ö° ³; Ä® ÐÓ£¬ÈË ¼Û ·Ç ³£ ÄÄ Ä®£¬¼ª ÑÐ 2 0 0 7
> > <http://event.mail.163.com/chanel/click.htm?from=NO_14&domain=126>

Δ π EXHIBIT 46
DATE: _____
WITNESS: _____
PAGE 2 OF 2
J. WHITACRE, CSR

From: security
Sent: Wednesday, September 12, 2007 5:10 PM
To: Brian C. Roche
Subject: Re: Notice of Improper Conduct - www.examshot.com

dear sir,
tks for your notification, we have sent out a notice to our customer and shall give him 12hrs to resolve, if he doesnt comply, we shall, then, shut down his server.
best regards
security

Brian C. Roche wrote:

>
> Dear Sir or Madam:
>
> This firm represents Microsoft Corporation ("Microsoft"). The below
> message was sent to your attention of September 5, 2007. To date we
> have received no response and the website at issue remains active.
> Please advise when we can expect a response to these serious issues.
> These individuals continue to engage in fraudulent and/or illegal
> activities. Moreover, as their host, AKANOC is substantially
> contributing to their activities in this regard. We look forward to a
> prompt response to these issues. Thank you,
>
> Brian C. Roche, Esq.
>
> Roche Pia LLC
>
> Two Corporate Drive, Suite 234
>
> Shelton, CT 06484
>
> Tel: 203.944.0235
>
> Fax: 203.225.1244

>
> www.rochepia.com <<http://www.rochepia.com/>>
>

> This transmittal may be a confidential attorney-client communication
> or may otherwise be privileged or confidential. If it is not clear
> that you are the intended recipient, you are hereby notified that you
> have received this transmittal in error; any review, dissemination,
> distribution or copying of this transmittal is strictly prohibited. If
> you suspect that you have received this communication in error, please
> notify us immediately by telephone at 203.944.0235, or e-mail at
> info@rochepia.com and immediately delete this message and all its
> attachments.

> -----
> --

>
> *From:* Brian C. Roche [mailto:broche@rochepia.com]
> *Sent:* Wednesday, September 05, 2007 2:50 PM
> *To:* 'info@akanoc.com'; 'security'
> *Cc:* 'gpia@rochepia.com'
> *Subject:* re: Notice of Improper Conduct - www.examshot.com

>
> *VIA EMAIL*
>
> September 5, 2007
>

Δ (π) EXHIBIT 47
DATE: 4-12-08
WITNESS: J. LUK
PAGE 1 OF 4
J. WHITACRE, CSR

> **AKANOC Solutions, Incorporated*****
>
> 45535 Northport Loop East
> Fremont, CA 95538
>
> Email: info@akanoc.com <mailto:info@akanoc.com>
>
> security@akanoc.com <mailto:security@akanoc.com>
>
> * *
>
> *Re: *Notice of Improper conduct: www.examshot.com
> <http://www.examshot.com/>
>
> Dear Sir or Madam:
>
> I declare, under penalties of perjury, that this firm represents and
> is authorized to act on behalf of Microsoft Corporation ("Microsoft").
>
> Microsoft has information that a website identified as
> www.examshot.com <http://www.examshot.com/> (the "Website") is
> offering so called "exam agent" and/or "test taking services" through
> which the operators/agents of the Website offer to take Microsoft's
> certification examinations on behalf of candidates by falsifying the
> candidate registrations and/or other related documents. The Website is
> currently being hosted by AKANOC Solutions, Incorporated d/b/a
> www.akanoc.com <http://www.akanoc.com/> (collectively "AKANOC").
>
> Microsoft is the creator, author, and owner of numerous certification
> exams, including (1) MCSA on Windows Server 2003; (2) MCSE on Windows
> Server 2003; (3) MCSE: Security on Windows Server 2003; (4) MCDBA; and
> (5) MCAD (collectively referred to as the "Certification Exams"),
> among others, all of which are protected by United States and
> international law.
>
> By offering to take, and in fact taking, Microsoft's Certification
> Exams on behalf of third-parties, under false pretenses, the Website
> is engaging in, among other things, fraudulent conduct, actionable
> under various civil laws. The Website's conduct also involves the
> improper and unauthorized use of Microsoft's trademarks, and likely
> involves direct, contributory, or vicarious copyright infringement of
> Microsoft's copyrighted Certification Exams. Additionally, the Website
> is breaching and/or inducing others to breach certain Confidentiality
> Agreements with Microsoft, and its conduct involves the
> misappropriation and/or other improper use of Microsoft's trade
> secrets. The foregoing conduct is actionable under United States,
> international, and/or local law.
>
> AKANOC appears to have assisted this unlawful conduct by providing
> hosting and other services. In light of the information set forth
> above and the notice provided by same, Microsoft requests and demands
> that AKANOC confirm that it has terminated or will terminate its
> support of this unlawful conduct. Should such conduct continue in the
> future, AKANOC may incur contributory and/or vicarious liability for
> copyright and/or trademark infringement and any other unlawful activities.
>
> In order to protect its Certification Examinations, Microsoft hereby
> demands that AKANOC: (1) cease and desist from any storing,
> publishing, posting, distributing, offering for sale or selling of the
> "test taking services" on the Website; (2) immediately disable access
> to the Website; and (3) terminate the support of the aforementioned
> unlawful activity.
>
> Please be advised that Microsoft reserves all of its rights to seek
> all appropriate legal and equitable relief arising out of the
> aforementioned violations of law.
>

> I look forward to your anticipated cooperation with this request.

>
> Very truly yours,

> Brian C. Roche, Esq.

> BCR/sib

> Brian C. Roche, Esq.

> Roche Pia LLC

> Two Corporate Drive, Suite 234

> Shelton, CT 06484

> Tel: 203.944.0235

> Fax: 203.225.1244

> www.rochepia.com <<http://www.rochepia.com/>>

> This transmittal may be a confidential attorney-client communication
> or may otherwise be privileged or confidential. If it is not clear
> that you are the intended recipient, you are hereby notified that you
> have received this transmittal in error; any review, dissemination,
> distribution or copying of this transmittal is strictly prohibited. If
> you suspect that you have received this communication in error, please
> notify us immediately by telephone at 203.944.0235, or e-mail at
> info@rochepia.com and immediately delete this message and all its
> attachments.

>

Δ π EXHIBIT _____
DATE: _____
WITNESS: _____
PAGE 3 OF 4
J. WHITACRE, CSR

From: security
Sent: Thursday, September 13, 2007 7:35 AM
To: reboot@akanoc.com; steve chen
Subject: pls unplug ip 204.16.198.204 main ip 205.209.161.42

due to failure to respond to complaints by microsoft on copyright infringement,. pls confirm and tks

Δ π EXHIBIT 47
DATE: _____
WITNESS: _____
PAGE 4 OF 4
J. WHITACRE, CSR

From: security
Sent: Saturday, September 01, 2007 8:25 AM
To: steve chen
Cc: Will Lone
Subject: Re: [28548 Fwd: [SpamCop (205.209.142.191) id:2471733468] '£=Éµ½èSQ¼¹-DFX8=T;X @;Û°É;w,Èª©]

actually, i've been very patient with customers, although we stated to give them 12hrs notice, but actually i only unplug them when they ignored me over 48hrs.

steve chen wrote:

> Will, tell customer, security can read chinese too; so tell them to
> respond to security directly. the problem is not that much that
> security is not working with the customer, the problem is no response
> from the customer.

> -----Original Message-----

> From: Will Lone [mailto:will@akanoc.com]
> Sent: Friday, August 31, 2007 3:15 PM
> To: security; steve chen
> Subject: Re: [28548 Fwd: [SpamCop (205.209.142.191)
> id:2471733468] '£=Éµ½èSQ¼¹-DFX8=T;X @;Û°É;w,Èª©]

> ???????????, ?????????????

> ?????, ???????????
> ?????????????????????????????????
> ???????????, ?????????????

> ???????????, ?????????????

> ?????????, ?????????????????, ?????????????IP

> Will

> security ??:

>> Dear Valued Customer,

>> RE: IP 205.209.142.191 final notice, pls respond or we shall have to
>> shut it down again.

>> Akanoc.com has received complaints about illegal spam/ spamvertised
>> site/ copyrighted contents/activities being hosted or distributed
>> from your server. A copy of the complaint is attached for your perusal.

>> Please be advised that your server is currently in violation of our
>> Acceptable Use Policy— http://www.akanoc.com/acceptable_policy.htm

>> To avoid termination of service and a penalty fee of \$25.00 per
>> violation,

>> We request that you investigate and terminate the aforementioned
>> account immediately.

>> Here by, we shall give you a 12 hours notice before we shall take any

>> unwanted action as to shut down your server without further notice
>> Please notify us when this case is resolved

EXHIBIT 48
DATE: 4-12-08
WITNESS: J. Luk
PAGE 1 OF 5
J. WHITACRE, CSR

>> If you have any question, please don't hesitate to contact us.
>>
>> Thank you for your kind attention and full co-operation.
>>
>> Best Regards
>>
>> Network Security Team
>>
>> Akanoc Solutions, Inc.
>>
>> www.akanoc.com <http://www.akanoc.com/>
>>
>> www.coloalacarte.com <http://www.coloalacarte.com/>
>>
>> www.dediwebhost.com <http://www.dediwebhost.com/>
>>
>>
>> ----- Original Message -----
>> Subject: [SpamCop (205.209.142.191)
>> id:2471733468] 'f#Ép#èSQ#'-DFX8#T;X#@;0°É|w,É#
>> Date: Thu, 30 Aug 2007 11:43:34 -0700
>> From: TheAnti <2471733468@reports.spamcop.net>
>> To: abuse@managedsg-inc.com
>>
>>
>> [SpamCop V640]
>> This message is brief for your comfort. Please use links below for
>> details.
>>
>> Email from 205.209.142.191 / Thu, 30 Aug 2007 11:43:34 -0700
>>
>>
>> http://www.spamcop.net/w3m?i=z2471733468zec65e9ba35aad286eb3b0a11fde05
>> 32
>> 7z
>>
>> 205.209.142.191 is open proxy, see:
>> http://www.spamcop.net/mky-proxies.html
>>
>> [Offending message]
>> X-Account-Key: account2
>> Delivered-To: x
>> Received: by 10.141.68.21 with SMTP id v21cs54538rvk; Thu, 30 Aug
>> 2007 11:43:34 -0700 (PDT)
>> Received: by 10.141.189.4 with SMTP id r4mr339861rvp.1188499414222;
>> Thu, 30 Aug 2007 11:43:34 -0700 (PDT)
>> Return-Path: <lawrence-ron@umail.hinet.net>
>> Received: from 209.85.199.27 ([205.209.142.191]) by mx.google.com
>> with SMTP id 3sil796551rvi.2007.08.30.11.43.14;
>> Thu, 30 Aug 2007 11:43:34 -0700 (PDT)
>> Received-SPF: neutral (google.com: 205.209.142.191 is neither
>> permitted nor denied by domain of lawrence-ron@umail.hinet.net)
>> client-ip=205.209.142.191;
>> Authentication-Results: mx.google.com; spf=neutral
>> smtp.mail=lawrence-ron@umail.hinet.net
>> Received: from 210.71.192.120 by 205.209.167.198; Sun, 02 Sep 2007
>> 21:41:55 +0300
>> Message-ID: <OXVG_____RBSF@umail.hinet.net>
>> From: "Xilisoft DVD Creator v3.0.27(ÀçÀé#=#à\$K;w,É#)"
>>
>> <sjweng@yahoo.ca>
>>
>> To: x
>> Subject: 'f#Ép#èSQ#'-DFX8#T;X#@;0°É|w,É#
>> Date: Sun, 02 Sep 2007 13:37:55 -0500

Δ π EXHIBIT _____
DATE: _____
WITNESS: _____
PAGE 2 OF 5
J. WHITACRE, CSR

```

>> X-Mailer: MIME-tools 5.503 (Entity 5.501)
>> MIME-Version: 1.0
>> Content-Type: multipart/alternative;
>> boundary="--7961143729148656"
>> X-Priority: 3
>> X-MSMail-Priority: Normal
>>
>> -----7961143729148656
>> Content-Type: text/html;
>> Content-Transfer-Encoding: quoted-printable
>>
>> Ad-Aware SE Professional, Build
>> 1.06rl=B3=CC=B7s=A4=A4=A4=E5=A7K=A6w=B8=CB=
>> =AA=A9
>> <p>
>> <html>
>> <head>
>> <meta http-equiv=3D"Content-Type" content=3D"text/html;
>>
> charset=3Dbig5">
>
>> <title>=C4=E9=B9q=B8=A3=A4=A3=A8D=A4H ~B7L=B3n=B3=CC=B7sWindows
>> VISTA =C1= c=C5=E9=A4=A4=A4=E5=B3=BB=AF=C5</title>
>> </head>
>> <body link=3D"#0000FF" vlink=3D"#0000FF" alink=3D"#0000FF">
>> <p>=C4=E9=B9q=B8=A3=A4=A3=A8D=A4H<br>
>> <font color=3D"#FF0066">~B7L=B3n=B3=CC=B7sWindows VISTA
>> =C1c=C5=E9=A4=A4=A4= =E5=B3=BB=AF=C5=BAX=C4=A5=AA=A9+Office 2007
>> =A4=A4=A4=E5=A5=F8=B7~AA=A9 =AE=
>> M=C0\</font><font color=3D"#FF00FF"><br> <br> </font> <font
>> color=3D"#FF0066">=B3=CC=B7s!Windows XP 2007
>> =B3=CC=B7s=B6W=B1j=A4=A4=
>> =A4=E5=B5{=A6=A1=A5=FA=BA=D0DVD=A6X=BF=E8
>> (5=A4=F9=B8=CBDVD)=AEM=C0\</font=
>>
>>> <br>
>>>
>> <br>
>>
> =A4=A3=BA=DE=A7A=ACO=B9q=B8=A3=B5=E6=B3=BE.=AB=D8=BFv=AEv.3D=B0=CA=B5e
> =A
> Ev=
>
>>
> .=B7|=ADp=AEv.=B5{=A6=A1=B3}=ADp=AEv.=BA=F4=B8=F4=B9q=B8=A3=A4u=B5{=AEv.
> ..=
>
>> =A9=CE=A4=B0=BB=F2=AEv...=A5u=ADn=A6=B3=B3o=B3q=B3q=B4N=B7d=A9w!!<br>
>> <br>
>> <a
>>
>>
> href=3D"http://e.my.yahoo.com/config/my_package?.a=3Di&.pa=3Dadd&.pid=
> 3D
> =
>
> 3&.p=3D6s2richirene8=3D1ymchiaog2F&.done=3Dhttp://idywt.com/dktdhk564"
> >=
> A7=
>
>> G=B4=BA=A5D=C3D\VISTA=A7G=B4=BA=A5D=C3D<br>
>> =A8t=B2=CE=C0u=A4=C6\23=AEM=B3n=C5=E9<br>
>> <font color=3D"#CC9900">=A8=BE=ACr=B3n=C5=E9\15=AEM</font><br>
>> =B5w=BA=D0=A4u=A8=E3\8=AEM<br>
>> =B6=C7=AFu=B3n=C5=E9\1=AEM<br>
>> =BA=F4=B8=F4=A5 [=B3t=C4=F2=B6=C7\18=AEM<br>

```

Δ π EXHIBIT _____
 DATE: _____
 WITNESS: _____
 PAGE 3 OF 5
 J. WHITACRE, CSR

>> =BCv=AD=B5=C2=E0=C0=C9\29=AEM

>> =BFN=BF=FD=B3n=C5=E9\9=AEM

>> =B9d=B2=B1=B0=D3=A5=CE=B3n=C5=E9=A5=FE=B6=B012=AEM

>> =BA=E2=A9R=B3n=C5=E9\16=AEM

>> =BA=F4=AD=B6=BBs=A7@\25=AEM

>> =C3=B8=B9=CF=B3n=C5=E9\16=AEM

>> 3D=B0=CA=B5e=B3n=C5=E9\12=AEM

>>

>> ~A4=D3=A6h=A4=D3=A6h=A4F268=AEM
>> =AD=AB=E6q=AF=C5=B3n=C5=E9=B3=A3=C0=B0=A7=
>> A=B7=C7=B3=C6=A6n=A4F=B3q=B3q=B3=A3=AF}=B8=D1 =B3q=B3q=A5i=A7=F3=B7s
>> =A6=B3= =B3o=AEM =B3q=B3q=B3=A3=B7d=A9w</p> </body> </html> <p>
>> Ad-Aware2007 Pro Edition v7.0.1.4=B3=CC=B7s +
>> =AF}=B8=D1 (=BB=B4=BB=B4=C3P=C3=
>> P=C5=FD=A7A=AA=BA=B9q=B8=A3=BB=B7=C2=F7=AFf=ACr)
>>
>> ----7961143729148656--
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>
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>

Δ π EXHIBIT _____
DATE: _____
WITNESS: _____
PAGE 4 OF 5
J. WHITACRE, CSR

From: security
Sent: Tuesday, August 28, 2007 8:46 AM
To: reboot@akanoc.com; steve chen
Subject: pls unplug ip 205.209.142 191

due to failure to respond to notices over 48hrs, pls confirm and tks

Δ π EXHIBIT 48
DATE: _____
WITNESS: _____
PAGE 5 OF 5
J. WHITACRE, CSR

From: security
Sent: Tuesday, July 10, 2007 8:44 AM
To: steve chen
Subject: Re: [304 Fwd: SBL Notify: IP: 204.13.70.167/32 added to Spamhaus BlockList (SBL)]

so i can send out the letter of cancel service to spamhaus now, right?

steve chen wrote:

> I took out 204.13.70.167 IP from this server, and replug the server
> back. So, this IP is no longer exist; also checked the domain
> watchcs.com not available now.
> steve

> -----Original Message-----

> From: security [mailto:security@akanoc.com]
> Sent: Monday, July 09, 2007 6:47 PM
> To: Reboot (E-mail); steve chen
> Subject: [304 Fwd: SBL Notify: IP: 204.13.70.167/32 added to Spamhaus
> BlockList (SBL)]

> pls unplug ip 204.13.70.167/32 due to spamhaus sbl56430, pls confirm
> and tks

> ----- Original Message -----

> Subject: SBL Notify: IP: 204.13.70.167/32 added to Spamhaus Block
> List
> (SBL)
> Date: Tue, 10 Jul 2007 01:30:50 +0000
> From: notification@spamhaus.org
> To: spamhaus@managedsg-inc.com
> CC: notification@spamhaus.org

> -----
> -- SBL56430 - The Spamhaus Project - SBL International Anti-Spam
> System

> --
> Hello managedsg-inc.com Abuse Desk,

> This is an automated message from the Spamhaus Block List (SBL)
> database to advise you that the IP below has been added to sbl.spamhaus.org:

> IP/cidr: 204.13.70.167/32

> Problem: watchCS.com spamming

> SBL Ref: SBL56430

> The reason for listing the IP address(es) is explained at the url:
> <http://www.spamhaus.org/sbl/sbl.lasso?query=SBL56430>

> If you have already taken care of this problem and the spammer is no
> longer operating any domains/sites/servers in 204.13.70.167/32 you can
> request record SBL56430 be removed from the SBL by emailing:

> <mailto:sbl-removals@spamhaus.org?subject=SBL56430_204.13.70.167/32>

> 04

EXHIBIT 49
DATE: 4-12-08
WITNESS: J. Luk
PAGE 1 OF 2
J. WHITACRE, CSR

> Please always include "SBL56430 SR04" in the Subject of any emails to
> sbl-removals@spamhaus.org regarding this listing.
>
> SBL System Robot
> The Spamhaus Project
> <http://www.spamhaus.org>
>
> -----
> -- You can review all current SBL listings concerning your network
> here:
> <http://www.spamhaus.org/sbl/listings.lasso?isp=managedsg-inc.com>
> -----
> -- You are receiving this notification because you are the designated
> abuse contact for your network. If you do not want to be alerted
> whenever IPs on your network are listed in the SBL, please advise us
> by contacting
> <mailto:sbl-autonotify@spamhaus.org?subject=STOP_Notify_managedsg-inc.
> co
> m>
> -----
> -- ISP Abuse Desk Resources.....: <http://www.spamhaus.org/isp> Spamhaus
> Block List (SBL).....: <http://www.spamhaus.org/sbl> Exploits Block List
> (XBL).....: <http://www.spamhaus.org/xbl> Register Of Known Spammers...:
> <http://www.spamhaus.org/rokso>
> -----
> --
>
>
>
>
>
>
>

Δ π EXHIBIT 49
DATE: _____
WITNESS: _____
PAGE 2 OF 2
J. WHITACRE, CSR

From: security
Sent: Saturday, September 15, 2007 5:05 PM
To: support@tooming.com
Subject: [38314 Fwd: Re: Fraud / Indentity Theft Activity - Sept 03, 2007 23:34 from IP 208.77.40.164]

dear sir,
pls double check at you end and investigation if this really happened, for this is the 2nd note from this complainant, if so, pls terminate service to this customer of yours, and make sure to keep all the records so that if the authorities needs evidence, we can provide them, let me know of the outcome..
best regards
security

----- Original Message -----
Subject: Re: Fraud / Indentity Theft Activity - Sept 03, 2007 23:34
from IP 208.77.40.164
Date: Fri, 14 Sep 2007 19:44:48 -0500
From: Keith Kelley <keithkelley1@gmail.com>
To: abuse@akanoc.com, info@akanoc.com, support@akanoc.com
References: <1d6ac6f10709121838y87c6861od976bdf56b8e9efb@mail.gmail.com>

To Whom It May Concern:

On September 5th 2007 I was notified that changes had been posted to my credit report. Since I did not apply for any new accounts and I had recently received a variety of phone calls about various other types of recent applications submitted in my name, I was very concerned. In each case, there have been multiple applications to multiple vendors, submitted in my name, address and other personal information. These applications for insurance policies, car loans, drop shipping and quick cash/loans are not being executed by me, they are identity thief activities.

The vendors involved in a specific identity thief activity were Modern Consumer and Roadloans.com <<http://roadloans.com/>> . I have been in contact with the fraud departments of both companies. The application was submitted on September 03, 2007 at 23:34 from IP address 208.77.40.164 <<http://208.77.40.164/>>. I was instructed to contact Akanoc Solutions and report this fraud activity and request action. I am currently waiting on some hard copies of some information to provide to the authorities. Please let me know as soon as possible if you will require any additional information in order to pursue and/or investigate this fraudulent activity.

Any information that you can provide me, I would greatly appreciate. Please contact me if you require any additional information to pursue this notification.

Thank You,

Keith Kelley

3408 Los Alamos Lane

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Δ (JL) EXHIBIT 50
DATE: 4-12-08
WITNESS: J. LUK
PAGE 1 OF 2
J. WHITACRE, CSR

McKinney, Texas 75070

214-724-3534

Δ π EXHIBIT 50
DATE: _____
WITNESS: _____
PAGE 2 OF 2
J. WHITACRE, CSR

From: "zhonghh" <zhonghh@it8.cn>
To: "security" <security@akanoc.com>
Sent: Tuesday, January 15, 2008 12:23 AM
Subject: Re: Counterfeit product complaint; immediate action required; 12 hoursfinal notice

security您好

我们这里处理这个网站,请核实,谢谢

===== 2008-01-15 02:45:11 您在来信中写道 : =====

>

>Dear Sir,

>

>We have received letter complaint from legal authority that your server

>IP: 204.16.193.105 main IP:204.13.69.210 is hosting website: luxury2us.com which engaged
in sale of counterfeit products.

>Please take down the specific website immediately, or we will disconnect the abuse IP.

>

>Thank you for your cooperation.

>

>Security SS

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8/8/2008

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EXHIBIT B

zhonghh
zhonghh@it8.cn
2008-01-15

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From: "遠振資訊 - Chris" <chris@burning-g.net>
To: "security" <security@akanoc.com>
Cc: "Will Lone" <will@akanoc.com>
Sent: Tuesday, January 15, 2008 12:15 AM
Subject: RE: Counterfeit product complaint; immediate action required; 12 hours final notice

Dear Sir

famous-shop.com 這個不是我們的網站，之前就跟你們說過了，不要再因為這種奇怪的原因拔我的機器。

#####

遠振資訊有限公司
 業務專員 陳育佑 Chris
 電話：02-22508163 傳真：02-22512525
 行動電話：0982-666332
 E-Mail：chris@burning-g.net
<http://burning-g.net/>
 地址：台北縣板橋市文化路二段434號3樓

#####

-----Original Message-----

From: security [mailto:security@akanoc.com]
Sent: Tuesday, January 15, 2008 2:30 AM
To: Chen
Subject: Counterfeit product complaint; immediate action required; 12 hours final notice

Dear Sir,

We have received letter complaint from legal authority that your server IP:205.209.143.93 hosting website: famous-shop.com which engaged in sale of counterfeit products.

Please take down the specific website immediately, or we will disconnect the abuse IP.



8/8/2008

Thank you for your cooperation.

Security SS

From: "zhonghh" <zhonghh@it8.cn>
To: "security" <security@akanoc.com>
Sent: Tuesday, January 15, 2008 12:28 AM
Subject: Re: Counterfeit product complaint; immediate action required; 12 hoursfinal notice

security您好

我们这里处理这个网站,请核实,谢谢

===== 2008-01-15 02:53:40 您在来信中写道 : =====

>

>Dear Sir,

>

>We have received letter complaint from legal authority that your server

>IP: 204.13.66.161 main IP:204.13.69.210 is hosting website: shoes-order.com which engaged in sale of counterfeit products.

>Please take down the specific website immediately, or we will disconnect the abuse IP.

>

>Thank you for your cooperation.

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>Security SS

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8/8/2008

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zhonghh
zhonghh@it8.cn
2008-01-15

From: "zhonghh" <zhonghh@it8.cn>
To: "security" <security@akanoc.com>
Sent: Tuesday, January 15, 2008 6:44 AM
Subject: Re: Counterfeit product complaint; immediate action required; 12 hoursfinal notice

security您好

我们这里处理这个网站,请核实,谢谢

===== 2008-01-15 02:22:26 您在来信中写道 : =====

>

>Dear Sir,

>

>We have received letter complaint from legal authority that your server

>IP:205.209.171.44 main IP:205.209.136.90 is hosting website:buymyshoes.net which engaged in sale of counterfeit products.

>Please take down the specific website immediately, or we will disconnect abuse IP.

>

>Thank you for your cooperation.

>

>Security SS

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zhonghh
zhonghh@it8.cn
2008-01-15

From: <noraq@126.com>
To: "security" <security@akanoc.com>
Sent: Monday, January 14, 2008 9:45 PM
Subject: Re: Counterfeit product complaint; immediate action required; 12 hours final notice

we have shutdown the site and will not open it until they remove the content in question

From: "security" <security@akanoc.com>
To: "noraq" <noraq@126.com>
Date: Tue, 15 Jan 2008 02:47:06 +0800 (CST)
Subject: Counterfeit product complaint; immediate action required; 12 hours final notice

>
> Dear Sir,
>
> We have received letter complaint from legal authority that your server
> IP: 205.209.175.218 main IP:204.13.69.10 is hosting website: nikeshoesoffer.com which
> engaged in sale of counterfeit products.
> Please take down the specific website immediately, or we will disconnect the abuse IP.
>
> Thank you for your cooperation.
>
> Security SS
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网易有道词典 - 全球最强大的免费英汉互译词典 (只有2兆)



8/8/2008

From: "security" <security@akanoc.com>
To: "noraq" <noraq@126.com>
Sent: Monday, January 14, 2008 11:47 AM
Subject: Counterfeit product complaint; immediate action required; 12 hours final notice

Dear Sir,

We have received letter complaint from legal authority that your server
IP: 205.209.175.218 main IP:204.13.69.10 is hosting website: nikeshoesoffer.com which engaged in
sale of counterfeit products.
Please take down the specific website immediately, or we will disconnect the abuse IP.

Thank you for your cooperation.

Security SS



From: "security" <security@akanoc.com>
To: <support@zlankj.com>
Sent: Monday, January 14, 2008 11:48 AM
Subject: Counterfeit product complaint; immediate action required; 12 hours final notice

Dear Sir,

We have received letter complaint from legal authority that your server IP: 205.209.165.84 main IP:205.209.143.29 is hosting website: pickyourgoods.com which engaged in sale of counterfeit products.

Please take down the specific website immediately, or we will disconnect the abuse IP.

Thank you for your cooperation.

Security SS



8/8/2008

EXHIBIT B

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From: "security" <security@akanoc.com>
To: <wangkiyo@hotmail.com>
Sent: Monday, January 14, 2008 11:50 AM
Subject: Counterfeit product complaint; immediate action required; 12 hours final notice

Dear Sir,

We have received letter complaint from legal authority that your server IP: 205.209.185.114 main IP:205.209.143.27 is hosting website: pickyourorder.com which engaged in sale of counterfeit products.

Please take down the specific website immediately, or we will disconnect the abuse IP.

Thank you for your cooperation.

Security SS



From: <noraq@126.com>
To: "security" <security@akanoc.com>
Sent: Monday, January 14, 2008 9:40 PM
Subject: Re: Counterfeit product complaint; immediate action required; 12 hours final notice

pushing the customer to resolve it,thanks

From: "security" <security@akanoc.com>
To: "noraq" <noraq@126.com>
Date: Tue, 15 Jan 2008 02:52:06 +0800 (CST)
Subject: Counterfeit product complaint; immediate action required; 12 hours final notice

>
> Dear Sir,
>
> We have received letter complaint from legal authority that your server
> IP:204.16.193.146 main IP:205.209.136.51 is hosting website: replica-ebags.com which
> engaged in sale of counterfeit products.
> Please take down the specific website immediately, or we will disconnect the abuse IP.
>
> Thank you for your cooperation.
>
> Security SS
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8/8/2008

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EXHIBIT B

From: "security" <security@akanoc.com>
To: "noraq" <noraq@126.com>
Sent: Monday, January 14, 2008 11:52 AM
Subject: Counterfeit product complaint; immediate action required; 12 hours final notice

Dear Sir,

We have received letter complaint from legal authority that your server IP:204.16.193.146 main IP:205.209.136.51 is hosting website: replica-ebags.com which engaged in sale of counterfeit products.

Please take down the specific website immediately, or we will disconnect the abuse IP.

Thank you for your cooperation.

Security SS



8/8/2008

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EXHIBIT B

From: "security" <security@akanoc.com>
To: "zhonghh" <zhonghh@it8.cn>
Sent: Monday, January 14, 2008 11:53 AM
Subject: Counterfeit product complaint; immediate action required; 12 hours final notice

Dear Sir,

We have received letter complaint from legal authority that your server
IP: 204.13.66.161 main IP:204.13.69.210 is hosting website: shoes-order.com which engaged in sale of
counterfeit products.

Please take down the specific website immediately, or we will disconnect the abuse IP.

Thank you for your cooperation.

Security SS



8/8/2008

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EXHIBIT B

From: "security" <security@akanoc.com>
To: "0755 >> paul liu" <0755sz@gmail.com>
Sent: Monday, January 14, 2008 11:55 AM
Subject: Counterfeit product complaint; immediate action required; 12 hours final notice

Dear Sir,

We have received letter complaint from legal authority that your server
IP: 204.16.192.244 main IP:205.209.136.92 is hosting website: soapparel.com which engaged in sale of
counterfeit products.

Please take down the specific website immediately, or we will disconnect the abuse IP.

Thank you for your cooperation.

Security SS





From: "security" <security@akanoc.com>
To: "zhonghh" <zhonghh@if8.cn>
Sent: Monday, January 14, 2008 11:57 AM
Subject: Counterfeit product complaint; immediate action required; 12 hours final notice

Dear Sir,

We have received letter complaint from legal authority that your server IP: 205.209.136.83 is hosting website: tytrade88.com which engaged in sale of counterfeit products. Please take down the specific website immediately, or we will disconnect the abuse IP.

Thank you for your cooperation.

Security SS



8/8/2008

From: "security" <security@akanoc.com>
To: "Server TongYong" <server@tongyong.net>
Sent: Friday, January 11, 2008 2:53 PM
Subject: Re: [Fwd: FW: <http://www.lvbagz.com/66.79.176.207>]

Thanks Rick.
Steve

Server TongYong wrote:

done, site deleted. and will force the reseller to delete the offender too.

Request timed out.
Request timed out.
Request timed out.
Request timed out.

Ping statistics for 66.79.176.207:
Packets: Sent = 151, Received = 50, Lost = 101 (66% loss),

2008/1/11, Server TongYong <server@tongyong.net>:
will do and will update u soon. tks, Rick

2008/1/11, security <security@akanoc.com>:



8/8/2008

From: steve chen [steve@racklogic.com]
Sent: Wednesday, August 08, 2007 3:05 PM
To: Security (E-mail)
Subject: FW: 204.16.197.27 removed from 204.13.69.170 main IP; we are being sued by LV for hosting this website, ape168.com

FYI, stupid LV instead of suit ape168, they suit us. damn!

> —Original Message—

> From: steve chen

> Sent: Wednesday, August 08, 2007 3:04 PM

> To: steve chen; 'zhonghh@it5.cn'; 'chendan@it5.cn'

> Cc: 'Willone (E-mail)'

> Subject: RE: 204.16.197.27 removed from 204.13.69.170 main IP;

> we are being sued by LV for hosting this website, ape168.com

>

> Do not let this guy stay here with LV trademark.

> Steve

>

> —Original Message—

> From: steve chen

> Sent: Wednesday, August 08, 2007 2:51 PM

> To: 'zhonghh@it5.cn'; 'chendan@it5.cn'

> Cc: Willone (E-mail)

> Subject: 204.16.197.27 removed from 204.13.69.170 main IP; we

> are being sued by LV for hosting this website, ape168.com

>

>



From: "security" <security@akanoc.com>
To: "Server TongYong" <server@tongyong.net>
Sent: Friday, January 11, 2008 3:39 PM
Subject: Re: [Fwd: FW: http://www.lvbagz.com/66.79.176.207]

Hi Rick,
Please disable this website too; same IP. louisvuittonbagz.com
Thanks.
Steve

security wrote:

Thanks Rick.
Steve

Server TongYong wrote:

done, site deleted. and will force the reseller to delete the offender too.

Request timed out.
Request timed out.
Request timed out.
Request timed out.

Ping statistics for 66.79.176.207:
Packets: Sent = 151, Received = 50, Lost = 101 (66% loss),

2008/1/11, Server TongYong <server@tongyong.net>:
. will do and will update u soon. tks, Rick

· 2008/1/11, security <security@akanoc.com>:



7/23/2008