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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 (HRLx)
11)	
11	Plaintiff,)	NOTICE AND MOTION FOR
12)	SHORTENING OF TIME TO HEAR
12	v.)	MOTION FOR MODIFICATION OF
13)	ORDER FOR INSPECTION AND
13	Akanoc Solutions, Inc., et al.)	SANCTIONS
14)	
14	Defendants.)	Court: Mag. Judge Howard R. Lloyd

15 TO THE COURT AND TO THE DEFENDANTS:

16 PLEASE TAKE NOTICE that Plaintiff Louis Vuitton Malletier, S.A. ("Plaintiff" or "Louis
17 Vuitton") will and hereby does move the Court for an order pursuant to Local Rule 6-3advancing
18 the hearing date on Plaintiff's Motion for Modification of Order for Inspection and Sanctions from
19 May 26, 2009 to May 12, 2009, at 10:00 a.m. Plaintiff makes this motion on the grounds that the
20 Court has continued the Pre-Trial Conference to July 6, 2009 to permit the parties to complete
21 discovery associated with the underlying inspection and Pre-Trial Conference Order and related
22 filings are due on June 5, 2009 as a result of which the Parties will not have time to complete the
23 associated discovery in a timely fashion before preparing Rule 16 compliance.

24 As set forth in greater detail in the supporting Declaration of J. Andrew Coombs and the
25 underlying motion to modify the protocol, the Parties have met and conferred pursuant to Rule 37-
26 1 concerning the Plaintiff's motion for an Order modifying the protocol to govern inspection of
27 servers copied pursuant to the Court's March 10 order. The underlying motion seeks an order
28 eliminating the requirement that Plaintiff's inspection be limited to the 67 counterfeiting websites

1 identified at the time of the underlying hearing (in April, 2008) on Plaintiff's motion to compel –
2 while retaining the limitation that the search be limited to publicly accessible information. The
3 motion for monetary sanctions is based upon Defendants' underlying failure to produce data
4 available to it throughout these proceedings to the considerable expense of Plaintiff and delay of
5 these proceedings.

6
7 This motion is based on this Notice of Motion and Declaration filed concurrently herewith,
8 the pleadings, records and papers on file herein and such other matters and evidence as may be
9 presented.

10 Dated: April 16, 2009

J. Andrew Coombs, A Professional Corp.

11 /s/ J. Andrew Coombs
12 By: J. Andrew Coombs
13 Annie S. Wang
14 Attorneys for Plaintiff Louis Vuitton Malletier, S.A.

1 testify. Additional delay may cause Louis Vuitton to miss this deadline which is currently May 19,
2 2009.

3 5. On or about April 15, 2009, I left a message for counsel for Defendants on his
4 voicemail requesting a stipulation to shorten the time on Plaintiff's Motion. I spoke with Mr. Lowe
5 at length on the 16th and he advised that Defendants will not stipulate to shorten time.

6 6. Louis Vuitton has complied with Local Rule 37-1(a) through letter correspondence
7 with Defendants' counsel on the modification. It is Louis Vuitton's position that the continued
8 hosting by Defendants of additional infringing websites requires the necessary modification of the
9 Court's order to allow for discovery of all publicly available websites that are advertising or selling
10 Louis Vuitton products. Louis Vuitton could not have known at the time of the filing of the
11 Motion to Compel that Defendants would continue to do business with known infringers and that
12 the problems would persist today with largely the same individuals but now, using additional
13 domain names. It is Defendants' position that the discovery is properly limited to the 67 websites
14 identified over one year ago as that was what Plaintiff had requested and the Court ordered.

15 7. I am informed and believe the most recent time modification of the case was the
16 trial date which was continued to August 19, 2009, in light of the inspection, which was postponed
17 due to Defendants' unavailability, as well as Judge Ware's calendar.

18 8. I am informed and believe the requested time modification would not affect the
19 schedule for the case at this time.

20 9. I am informed and believe the Court is unavailable on May 19, 2009, according to
21 the "Scheduling Information and Unavailability" section on the Court's website available at
22 <http://www.cand.uscourts.gov/CAND/Calendar.nsf/ExtraInfoLinkDocs/HRL>.

23 I declare under penalty of perjury that the foregoing is true and correct and this declaration
24 was executed the 14th day of April, 2009 at Glendale, California.

25
26 
27 _____
28 J. ANDREW COOMBS