

**GAUNTLETT & ASSOCIATES**

David A. Gauntlett (SBN 96399)

James A. Lowe (SBN 214383)

Brian S. Edwards (SBN 166258)

Christopher Lai (SBN 249425)

18400 Von Karman, Suite 300

Irvine, California 92612

Telephone: (949) 553-1010

Facsimile: (949) 553-2050

[jal@gauntlettlaw.com](mailto:jal@gauntlettlaw.com)[bse@gauntlettlaw.com](mailto:bse@gauntlettlaw.com)[cl@gauntlettlaw.com](mailto:cl@gauntlettlaw.com)

Attorneys for Defendants

Akanoc Solutions, Inc.,

Managed Solutions Group, Inc.

and Steve Chen

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

LOUIS VUITTON MALLETTIER, S.A.,

Plaintiff,

vs.

AKANOC SOLUTIONS, INC., et al.,

Defendants.

Case No.: C 07-3952 JW (HRL)

Magistrate Judge Howard R. Lloyd

**DECLARATION OF JAMES A. LOWE  
IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO VUITTON'S MOTION  
FOR MODIFICATION OF ORDER AND  
SANCTIONS**

Date: May 26, 2009

Time: 10:00 a.m.

Ctmm: 2, 5<sup>th</sup> Floor

1 I, JAMES A. LOWE, declare:

2 1. I am an attorney duly licensed to practice law before this Court and am a partner in the law  
3 firm of Gauntlett & Associates, counsel of record for defendants Managed Solutions Group, Inc.,  
4 Akanoc Solutions, Inc. and Steve Chen ("Defendants").

5 2. I have personal knowledge of the facts stated in this Declaration and could testify  
6 competently to them if called upon as a witness.

7 3. This declaration is submitted in support of Defendants' Opposition to Vuitton's  
8 Motion for Modification of the Court's March 10, 2009 Order.

9 4. Attached as **Exhibit "1531"** is a copy of Vuitton's Second Set of Requests for  
10 Production of Documents to Defendant Managed Solutions Group, Inc., served on January 3, 2008.  
11 This set is substantively identical to the Requests for Production of Documents, Sets 2, that Vuitton  
12 served on Akanoc Solutions, Inc. and Steve Chen at the same time.

13 5. Attached as **Exhibit "1532"** is an April 8, 2008 e-mail my office sent to J. Andrew  
14 Coombs, lead counsel for Louis Vuitton Malletier, attaching a Microsoft Excel file entitled "123107-  
15 all data.xls". This file contained data from Defendants' CPRO database.

16 6. Attached as **Exhibit "1533"** are excerpts from Louis Vuitton's April 8-9, 2008  
17 depositions of Steve Chen. I attended the depositions taken by Andrew J. Coombs. The excerpts  
18 reflect testimony about Defendants' CPRO database.

19 7. Attached as **Exhibit "1534"** is an April 11, 2008 letter I received from J. Andrew  
20 Coombs where he acknowledges receipt of data from the CPRO database.

21 8. Attached as **Exhibit "1535"** is an April 22, 2008 letter I received from J. Andrew  
22 Coombs.

23 9. Attached as **Exhibit "1536"** is a April 24, 2008 letter I sent to J. Andrew Coombs  
24 confirming hand-delivery of a CD-ROM to Mr. Coombs containing data from Defendants' CPRO  
25 database.

26 10. Attached as **Exhibit "1537"** is a September 5, 2008 letter I sent to Annie Wang, one  
27 of Vuitton's attorney's further describing how Defendants are able to utilize the CPRO database to

1 identify servers based on IP addresses.

2 11. Attached as **Exhibit "1538"** are letters and e-mails between the parties' counsel  
3 between August 4, 2008 and March 17, 2009 discussing details of the planned Internet server  
4 inspection and attempting to reach an agreement on a protocol.

5 12. Attached as **Exhibit "1539"** is an April 7, 2009 letter I sent to J. Andrew Coombs  
6 requesting, in accordance with the Magistrate Judge's March 10, 2009 Order, copies of the materials  
7 Vuitton's expert copied during the server inspection on March 25 and 26, 2009.

8 13. Attached as **Exhibit "1540"** is a responsive letter I received from J. Andrew Coombs  
9 the same day (April 7, 2009) refusing to provide copies of the hard drives made at Defendants'  
10 premises.

11  
12 I declare under penalty of perjury under the laws of the United States of America that the  
13 foregoing is true and correct.

14 Executed at Irvine, California on April 24, 2009.

15  
16 s/ James A. Lowe

17 James A. Lowe  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27