

**GAUNTLETT & ASSOCIATES**

David A. Gauntlett (SBN 96399)  
James A. Lowe (SBN 214383)  
Brian S. Edwards (SBN 166258)  
18400 Von Karman Avenue, Suite 300  
Irvine, California 92612  
Telephone: (949) 553-1010  
Facsimile: (949) 553-2050  
[info@gauntlettlaw.com](mailto:info@gauntlettlaw.com)  
[jal@gauntlettlaw.com](mailto:jal@gauntlettlaw.com)  
[bse@gauntlettlaw.com](mailto:bse@gauntlettlaw.com)

Attorneys for Defendants  
Akanoc Solutions, Inc.,  
Managed Solutions Group, Inc.  
and Steven Chen

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

LOUIS VUITTON MALLETIER, S.A.,

Plaintiff,

vs.

AKANOC SOLUTIONS, INC., et al.,

Defendants.

) Case No.: C 07-3952 JW

) Hon. Magistrate Judge Howard R. Lloyd

) **DECLARATION OF JAMES A. LOWE IN  
) OPPOSITION TO MOTION TO COMPEL  
) PRODUCTION OF ELECTRONIC  
) COMMUNICATIONS ON INTERNET  
) SERVERS**

) Date: April 29, 2008

) Time: 10:00 a.m.

) Dept.: Courtroom 2, 5th Floor

1 I, JAMES A. LOWE, declare:

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

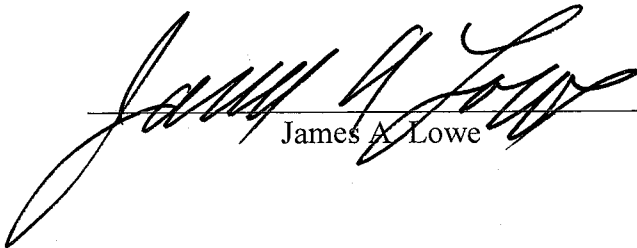
5 2. I have personal knowledge of the facts stated in this Declaration and could testify  
6 competently to them if called upon as a witness.

7 3. This declaration is submitted in support of Defendants' opposition to plaintiff Louis  
8 Vuitton Malletier, S.A.'s ("LV") Motion to Compel production of data on Defendants' servers.

9 4. On April 1, 2008 I took the deposition of Robert Holmes, Louis Vuitton's  
10 investigator in this case. Attached as **Exhibit "1500"** are true copies of excerpts of record of the  
11 transcript from that deposition.

12 5. Attached as **Exhibits "1501" and "1502"** are true copies of Managed Solutions  
13 Group, Inc.'s and Akanoc Solutions, Inc.'s responses to LV's Request for Production of Documents,  
14 Set Two.

15 I declare under penalty of perjury under the laws of the United States of America that the  
16 foregoing is true and correct. Executed at Irvine, California on April 4, 2008.

17  
18   
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

James A. Lowe

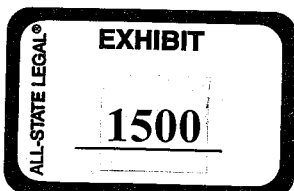
# **EXHIBIT 1500**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

LOUIS VUITTON MALLETTIER, S.A.,	)	
	)	
	)	PLAINTIFF
VS	)	C.A. NO. C 07 3952 JW
	)	
AKANOC SOLUTIONS, INC., MANAGED	)	
SOLUTIONS GROUP, INC., STEVEN	)	
CHEN AND DOES 1 THROUGH 10,	)	
INCLUSIVE,	)	
	)	DEFENDANTS
	)	

ORAL DEPOSITION OF ROBERT L. HOLMES,  
produced as a witness at the instance of the Defendants,  
and duly sworn, was taken in the above-styled  
and -numbered cause on the 1st day of April, 2008, from  
9:31 AM to 6:22 PM, before Ronald R. Cope, a CSR in and  
for the State of Texas, Registered Professional Reporter  
and Certified Realtime Reporter, reported by machine  
shorthand at the offices of U.S. Legal  
Support/MillerParker, Inc., 5910 North Central  
Expressway, 100 Premier Place, Dallas, Texas, 75206,  
pursuant to the Federal Rules of Civil Procedure and the  
provisions stated on the record or attached hereto.



ROBERT L. HOLMES

1 misstates his testimony.

2 A. I don't know everything that is on your  
3 clients' servers.

4 Q. (BY MR. LOWE) You only know a little bit about  
5 what's on them; is that right?

6 A. I don't know what percentage I know, but I know  
7 I don't know everything.

8 Q. Well, you testified earlier you had  
9 investigated between five and fifteen Internet  
10 addresses -- or -- I'm sorry. -- IP addresses. Let me  
11 rephrase that.

12 You testified that you investigated five  
13 to fifteen domain names that you associated with servers  
14 operated by the Defendants in this case; is that  
15 correct?

16 A. I don't know if I said investigated only five  
17 to fifteen, but I believe five to fifteen cases came out  
18 of this specific investigation.

19 Q. All right.

20 A. But what I investigate incidental to my cases  
21 and when I establish trends and things like that as part  
22 of a case, I've seen a lot of domain names.

23 Q. How many domain names associated with the  
24 Defendants in this case do you have knowledge of?

25 A. I couldn't even count.

1 party before the completion of the deposition.

2 I further certify that I am neither  
3 attorney or counsel for, nor related to or employed by  
4 any of the parties to the action in which this  
5 deposition is taken, and further that I am not a  
6 relative or employee of any attorney or counsel employed  
7 by the parties hereto, or financially interested in the  
8 action.

9 CERTIFIED TO BY ME on this the 7th day of  
10 April, 2008.

11  
12  
13 RONALD R. COPE, CSR, RPR, CRR, CLR  
14 Texas CSR 1813  
15 Expiration Date: 12/31/09  
16 US Legal Support/MillerParker  
17 CRCB Registration No. 343  
18 100 Premier Place  
19 5910 North Central Expressway  
20 Dallas, Texas 75206-5190  
21 (214) 369-3376

22 Charge for transcript and exhibits \$ \_\_\_\_\_

23 To be paid by Defendant James A. Lowe  
24  
25

ROBERT L. HOLMES

**EXHIBIT 1501**





1           2.       This response is based upon documents presently available to and located by MSG  
2 and is given without prejudice to MSG'S right to produce additional documents at a later date should  
3 they become located and available as a result of subsequent review of its records or as a result of  
4 additional investigation or discovery.

5           3.       By producing or failing to produce some of all of the requested documents, MSG  
6 does not concede the authenticity, relevance or materiality of any document or the subject to which it  
7 relates.

8           4.       MSG objects to all requests to the extent they seek documents protected by the  
9 attorney-client privilege, attorney work product doctrine or any other applicable privilege.

10          5.       Inadvertent production of privileged information by MSG shall not constitute waiver  
11 of any applicable privilege or doctrine, including objections on the basis of competency,  
12 confidentiality, authenticity, relevancy, materiality, privilege or admissibility as evidence as such  
13 objections may apply in this action.

14          6.       MSG objects to the definitions of "DOCUMENTS" and "BOOKS AND RECORDS"  
15 to the extent they include privileged information or documents.

16          7.       MSG objects to the definition of "WEBSITES" as being vague, ambiguous and  
17 overly broad as to the term "Internet content."

18          8.       MSG objects to the unspecified time period in the requests as overly broad and  
19 unduly burdensome.

20          9.       MSG objects to each and every request to the extent they call for information  
21 protected by the United States Constitution, the California Constitution and any applicable statutes,  
22 including the right of privacy.

23                   **REQUESTS AND RESPONSES TO REQUESTS FOR PRODUCTION**

24           **REQUEST NO. 1:**

25                   All DOCUMENTS concerning the WEBSITES.

26           **RESPONSE TO REQUEST NO. 1:**

27                   MSG will produce correspondence/emails sent to MSG concerning the WEBSITES and any  
28 subsequent "take down" notices sent to re-sellers. No other DOCUMENTS responsive to this request

1 have ever been in MSG'S possession, custody or control.

2 **REQUEST NO. 2:**

3 All DOCUMENTS which IDENTIFY any Internet content hosted by You apart from the  
4 WEBSITES.

5 **RESPONSE TO REQUEST NO. 2:**

6 MSG does not have any such documents in its possession, custody or control. MSG is a web  
7 hosting company and therefore has never printed, downloaded or otherwise stored Internet content  
8 located on any WEBSITES.

9 **REQUEST NO. 3:**

10 All DOCUMENTS which IDENTIFY any Internet content hosted on computer equipment  
11 owned by YOU apart from the WEBSITES.

12 **RESPONSE TO REQUEST NO. 3:**

13 MSG does not have any such documents in its possession, custody or control. MSG is a web  
14 hosting company and therefore has never printed, downloaded or otherwise stored Internet content  
15 located on any WEBSITES.

16 **REQUEST NO. 4:**

17 All DOCUMENTS which describe or IDENTIFY services provided by YOU to the  
18 WEBSITES.

19 **RESPONSE TO REQUEST NO. 4:**

20 No responsive documents have ever existed. MSG has never provided any services to the  
21 WEBSITES.

22 **REQUEST NO. 5:**

23 All DOCUMENTS RELATING TO any services YOU provide in connection with the  
24 WEBSITES.

25 **RESPONSE TO REQUEST NO. 5:**

26 No responsive documents have ever existed. MSG has never provided any services to the  
27 WEBSITES.

28 ////

1 **REQUEST NO. 6:**

2 All DOCUMENTS concerning payments made to YOU for services rendered in relation to  
3 the WEBSITES.

4 **RESPONSE TO REQUEST NO. 6:**

5 No responsive documents exist. MSG has never provided services to or received payments  
6 from the WEBSITES.

7 **REQUEST NO. 7:**

8 All DOCUMENTS concerning any items or merchandise sold or bought at or through the  
9 WEBSITES.

10 **RESPONSE TO REQUEST NO. 7:**

11 No responsive documents have ever existed. MSG has never bought or sold items or  
12 merchandise through the WEBSITES nor has it ever had any documents which evidence items or  
13 merchandise bought or sold through the WEBSITES.

14 **REQUEST NO. 8:**

15 All DOCUMENTS concerning the identification of PERSONS operating the WEBSITES  
16 (including but not limited to checks, money orders, driver's licenses, social security cards, green  
17 cards, immigration documentation, credit checks and utility bills).

18 **RESPONSE TO REQUEST NO. 8:**

19 MSG responds that it does not have, and has never had, any documents concerning the  
20 identification of persons operating any of the WEBSITES.

21 **REQUEST NO. 9:**

22 All DOCUMENTS and correspondence between and among DEFENDANTS and PERSON  
23 or ENTITY to which DEFENDANTS provided services for the WEBSITES.

24 **RESPONSE TO REQUEST NO. 9:**

25 MSG objects that this request is unclear as to what is being requested. Assuming Louis Vuitton is  
26 seeking communication between Defendants and operators of the WEBSITES, MSG responds that  
27 no responsive documents exist because MSG and none of the other defendants have provided any  
28 services to the WEBSITES. Assuming that Louis Vuitton means by "provided services" that a

1 WEBSITE has ever used an internet address registered to a DEFENDANT as a consequence of  
2 purchasing web hosting services from a customer of a DEFENDANT, then no responsive documents  
3 have been located after a diligent search of records but the records search continues and if any such  
4 DOCUMENT is discovered it will be produced.

5 **REQUEST NO. 10:**

6 All DOCUMENTS between and among DEFENDANTS and any third party regarding the  
7 sale of merchandise on any WEBSITES.

8 **RESPONSE TO REQUEST NO. 10:**

9 MSG will produce correspondence/emails sent to MSG concerning the WEBSITES and any  
10 subsequent "take down" notices sent to re-sellers. No other DOCUMENTS responsive to this request  
11 have ever been in MSG'S possession, custody or control.

12 **REQUEST NO. 11:**

13 All notices or other written correspondence from YOU to any of the DEFENDANTS or to  
14 the operator of any WEBSITE.

15 **RESPONSE TO REQUEST NO. 11:**

16 No responsive documents have ever existed. MSG has never had any direct contact with  
17 operators of any WEBSITE.

18 **REQUEST NO. 12:**

19 All computer records or electronic data relating to the WEBSITES, specifically including  
20 records of all sales made through the WEBSITES.

21 **RESPONSE TO REQUEST NO. 12:**

22 MSG will produce correspondence/emails sent to MSG concerning the WEBSITES and any  
23 subsequent "take down" notices sent to Web hosting re-sellers. No other DOCUMENTS responsive  
24 to this request have ever been in MSG'S possession, custody or control.

25 **REQUEST NO. 13:**

26 All BOOKS AND RECORDS related to the WEBSITES.

27 ///

28 ///

1 **RESPONSE TO REQUEST NO. 13:**

2 MSG has never had any responsive documents in its possession, custody or control. MSG  
3 has never had any relationship or communication with any WEBSITE and therefore does not keep,  
4 and has never kept, any books and records relating to the WEBSITES or any other Website (apart  
5 from the Website for its own business).

6 **REQUEST NO. 14:**

7 All DOCUMENTS concerning any effort of any of the DEFENDANTS to monitor the  
8 business or trade at any and all of the WEBSITES.

9 **RESPONSE TO REQUEST NO. 14:**

10 MSG has never had any responsive documents in its possession, custody or control. MSG  
11 does not monitor the business or trade at any WEBSITE or any other website and therefore does not  
12 keep, and has never kept, any books and records relating to the WEBSITES or any other Website  
13 (apart from the Website for its own business).

14 **REQUEST NO. 15:**

15 Any DOCUMENTS concerning any demands, notices, or any other correspondence from any  
16 trademark or copyright holder or any federal, state, or local agency (including but not limited to the  
17 police department) related to the WEBSITES.

18 **RESPONSE TO REQUEST NO. 15:**

19 MSG will produce any correspondence/emails sent to MSG concerning the WEBSITES and  
20 any subsequent "take down" notices sent to re-sellers. No other DOCUMENTS responsive to this  
21 request have ever been in MSG'S possession, custody or control.

22 **REQUEST NO. 16:**

23 Any DOCUMENTS concerning any investigations conducted by any person in connection  
24 with the WEBSITES.

25 **RESPONSE TO REQUEST NO. 16:**

26 MSG will produce any correspondence/emails sent to MSG concerning the WEBSITES and  
27 any subsequent "take down" notices sent to re-sellers. No other DOCUMENTS responsive to this  
28 request have ever been in MSG'S possession, custody or control.

1 **REQUEST NO. 17:**

2 All DOCUMENTS, including notices and litigation pleadings, from any city or state  
3 governmental agency or department (including but not limited to the police department) concerning  
4 any of the WEBSITES from July 26, 2004 to the present.

5 **RESPONSE TO REQUEST NO. 17:**

6 MSG will produce any correspondence/emails sent to MSG concerning the WEBSITES and  
7 any subsequent "take down" notices sent to re-sellers. No other DOCUMENTS responsive to this  
8 request have ever been in MSG'S possession, custody or control.

9 **REQUEST NO. 18:**

10 All DOCUMENTS concerning any financial interest in any business or trade conducted at  
11 any of the WEBSITES.

12 **RESPONSE TO REQUEST NO. 18:**

13 No responsive documents have ever existed. MSG has never had any financial interest in  
14 any business or trade conducted at any of the WEBSITES, or any Website apart from the Website  
15 for its business.

16 **REQUEST NO. 19:**

17 All DOCUMENTS concerning any income derived from any of the WEBSITES other than  
18 any income, revenue, or profit generated or received from rents listed in any contract for web hosting  
19 service.

20 **RESPONSE TO REQUEST NO. 19:**

21 No responsive documents have ever existed. MSG has never had any financial interest in  
22 any business or trade conducted at any of the WEBSITES, or any Website (apart from the Website  
23 for its business).

24 **REQUEST NO. 20:**

25 All DOCUMENTS concerning any other business dealings with the operators of any of the  
26 WEBSITES.

27 ////

28 ////

1 **RESPONSE TO REQUEST NO. 20:**

2 No responsive documents have ever existed. MSG has never had any business dealings with  
3 the operators of any WEBSITE.

4 **REQUEST NO. 21:**

5 All DOCUMENTS, including but not limited to customer service records, financial records,  
6 telecommunications records and computer logs relating to the WEBSITES.

7 **RESPONSE TO REQUEST NO. 21:**

8 MSG will produce any correspondence/emails sent to MSG concerning the WEBSITES and  
9 any subsequent "take down" notices sent to re-sellers. No other DOCUMENTS responsive to this  
10 request have ever been in MSG'S possession, custody or control.

11 **REQUEST NO. 22:**

12 All DOCUMENTS RELATING TO or evidencing any COMMUNICATION through any of  
13 the WEBSITES.

14 **RESPONSE TO REQUEST NO. 22:**

15 MSG does not have, and has never had, any documents responsive to this request.

16 **REQUEST NO. 23:**

17 All DOCUMENTS RELATING TO, including any communications between YOU and any  
18 customer or account which owns any of the WEBSITES.

19 **RESPONSE TO REQUEST NO. 23:**

20 This request is unclear as to what is being requested, but assuming Louis Vuitton is seeking  
21 communications between MSG and operators of the WEBSITES, no responsive documents have  
22 ever existed. MSG has never had any direct contact with the owners or operators of any of the  
23 WEBSITES or knowledge of their identity.

24 **REQUEST NO. 24:**

25 All DOCUMENTS RELATING TO or evidencing any COMMUNICATIONS about the  
26 WEBSITES or any COMMUNICATIONS initiated through any of the WEBSITES.

27 ////

28 ////

1 **RESPONSE TO REQUEST NO. 24:**

2 MSG will produce any correspondence/emails sent to MSG concerning the WEBSITES and  
3 any subsequent "take down" notices sent to re-sellers. No other DOCUMENTS responsive to this  
4 request have ever been in MSG'S possession, custody or control.

5 **REQUEST NO. 25:**

6 All DOCUMENTS evidencing or containing any COMMUNICATIONS to or from any of  
7 the WEBSITES, specifically including emails.

8 **RESPONSE TO REQUEST NO. 25:**

9 MSG has never had any responsive documents in its possession, custody or control. MSG  
10 does not communicate with the operators or owners of any WEBSITE.

11 **REQUEST NO. 26:**

12 All DOCUMENTS evidencing or containing any COMMUNICATIONS about the  
13 WEBSITES, or any email transmissions from any of the WEBSITES, specifically including  
14 consumer complaints and abuse reports.

15 **RESPONSE TO REQUEST NO. 26:**

16 MSG will produce any correspondence/emails sent to MSG concerning the WEBSITES and  
17 any subsequent "take down" notices sent to re-sellers. No other DOCUMENTS responsive to this  
18 request have ever been in MSG's possession, custody or control.

19 **REQUEST NO. 27:**

20 All DOCUMENTS pertaining to any designated agent IDENTIFIED by YOU pursuant to the  
21 Digital Millennium Copyright Act.

22 **RESPONSE TO REQUEST NO. 27:**

23 MSG will provide responsive documents in its possession, custody and control.

24 **REQUEST NO. 28:**

25 All DOCUMENTS evidencing application of any safe harbor of the Digital Millennium  
26 Copyright Act by YOU.

27 ////

28 ////



1 **RESPONSE TO REQUEST NO. 28:**

2 MSG will provide responsive documents in its possession, custody and control.

3 **REQUEST NO. 29:**

4 All notices received by YOU pursuant to the Digital Millennium Copyright Act.


5 **RESPONSE TO REQUEST NO. 29:**

6 MSG will produce correspondence/emails sent to MSG concerning the WEBSITES and any  
7 subsequent "take down" notices sent to re-sellers and will produce any other notices pursuant to the  
8 DMCA in its custody or control.

9  
10 Dated: February 1, 2008

**GAUNTLETT & ASSOCIATES**

11  
12 By: \_\_\_\_\_

  
James A. Lowe  
Brian S. Edwards

13  
14 Attorneys for Defendants  
15 Managed Solutions Group, Inc.,  
16 Akanoc Solutions, Inc.,  
17 and Steven Chen  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 RE: *Louis Vuitton Malletier, S.A. v. Akanoc Solutions, Inc., et al.*  
2 VENUE: U.S.D.C., Northern District, San Jose Division  
3 CASE NO.: C-07-03952 JW

4 **PROOF OF SERVICE**

5 I am employed in the County of Orange, State of California. I am over the age of eighteen (18) years and not a party to the within action; my business address is: Gauntlett & Associates, 18400 Von Karman, Suite 300, Irvine, California 92612.

6 On February 1, 2008, I served the foregoing document described as: **RESPONSES BY DEFENDANT MANAGED SOLUTIONS GROUP, INC. TO SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS BY PLAINTIFF** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

7  
8 J. Andrew Coombs, Esq.  
9 Annie S. Wang, Esq.  
10 J. Andrew Coombs, A Prof. Corp.  
11 517 E. Wilson Avenue, Suite 202  
12 Glendale, CA 91206-5902  
13 Telephone: (818) 500-3200  
14 Facsimile: (818) 500-3201  
15 [andy@coombspc.com](mailto:andy@coombspc.com)  
16 [annie@coombspc.com](mailto:annie@coombspc.com)

17 *Attorneys for Plaintiff*  
18 *Louis Vuitton Malletier, S.A.*

- 19  **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- 20  **(BY FACSIMILE)** The document was transmitted by facsimile transmission to the above fax numbers with the transmission reported as complete and without error.
- 21  **(BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION)** I caused the document to be sent to the respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- 22  **(BY UPS NEXT DAY AIR)** I caused such package to be deposited with the UPS Drop Box or UPS Air Service Center located at one of the following locations: 18400 Von Karman, Irvine, California 92612 or 2222 Michelson Drive, #222, Irvine, California 92612.
- 23  **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

24 Executed on February 1, 2008, at Irvine, California.

25 Peggy Murray  
26 (Print Name)

27   
(Signature)

**EXHIBIT 1502**

1 **GAUNTLETT & ASSOCIATES**  
James A. Lowe (SBN 214383)  
2 Brian S. Edwards (SBN 166258)  
18400 Von Karman Avenue, Suite 300  
3 Irvine, California 92612  
Telephone: (949) 553-1010  
4 Facsimile: (949) 553-2050  
jal@gauntlettlaw.com  
5 bse@gauntlettlaw.com

6 Attorneys for Defendants  
AKANOC SOLUTIONS, INC.,  
7 MANAGED SOLUTIONS GROUP, INC.  
and STEVEN CHEN  
8

9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**  
11

12 LOUIS VUITTON MALLETIER, S.A., )

Case No.: C 07-3952 JW

13 Plaintiff, )

14 vs. )

**RESPONSES BY DEFENDANT AKANOC  
SOLUTIONS, INC. TO SECOND SET OF  
15 REQUESTS FOR PRODUCTION OF  
DOCUMENTS BY PLAINTIFF**

16 AKANOC SOLUTIONS, INC., et al., )

17 Defendants. )  
18

19 **PROPOUNDING PARTY: LOUIS VUITTON MALLETIER, S.A.**

20 **RESPONDING PARTY: AKANOC SOLUTIONS, INC.**

21 **SET NUMBER: TWO**  
22

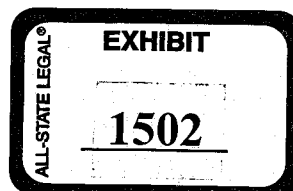
23 To Plaintiff Louis Vuitton Malletier, S.A., and its attorney of record:

24 Pursuant to Fed. R. Civ. P. 34(b), Akanoc Solutions, Inc. ("AKANOC") hereby responds and  
25 objects to Plaintiff's second request for production of documents.

26 **GENERAL OBJECTIONS**

27 1. AKANOC shall respond to the requests to the extent that there are documents within  
28 its own possession, custody or control.

10562-002-1/30/2008-159954.2



AKANOC SOLUTIONS' RESPONSES TO  
REQUEST FOR PRODUCTION - SET TWO  
- C 07-3952 JW

1           2.       This response is based upon documents presently available to and located by  
2 AKANOC and is given without prejudice to AKANOC'S right to produce additional documents at a  
3 later date should they become located and available as a result of subsequent review of its records or  
4 as a result of additional investigation or discovery.

5           3.       By producing or failing to produce some of all of the requested documents,  
6 AKANOC does not concede the authenticity, relevance or materiality of any document or the subject  
7 to which it relates.

8           4.       AKANOC objects to all requests to the extent they seek documents protected by the  
9 attorney-client privilege, attorney work product doctrine or any other applicable privilege.

10          5.       Inadvertent production of privileged information by AKANOC shall not constitute  
11 waiver of any applicable privilege or doctrine, including objections on the basis of competency,  
12 confidentiality, authenticity, relevancy, materiality, privilege or admissibility as evidence as such  
13 objections may apply in this action.

14          6.       AKANOC objects to the definitions of "DOCUMENTS" and "BOOKS AND  
15 RECORDS" to the extent they include privileged information or documents.

16          7.       AKANOC objects to the definition of "WEBSITES" as being vague, ambiguous and  
17 overly broad as to the term "Internet content."

18          8.       AKANOC objects to the unspecified time period in the requests as overly broad and  
19 unduly burdensome.

20          9.       AKANOC objects to each and every request to the extent they call for information  
21 protected by the United States Constitution, the California Constitution and any applicable statutes,  
22 including the right of privacy.

23 **REQUEST NO. 1:**

24           All DOCUMENTS concerning the WEBSITES.

25 **RESPONSE TO REQUEST NO. 1:**

26           AKANOC will produce correspondence/emails sent to AKANOC concerning the  
27 WEBSITES and any subsequent "take down" notices sent to re-sellers. No other DOCUMENTS  
28 responsive to this request have ever been in AKANOC'S possession, custody or control.

1 **REQUEST NO. 2:**

2 All DOCUMENTS which IDENTIFY any Internet content hosted by You apart from the  
3 WEBSITES.

4 **RESPONSE TO REQUEST NO. 2:**

5 AKANOC does not have any such documents in its possession, custody or control.  
6 AKANOC is a web hosting company and therefore has never printed, downloaded or otherwise  
7 stored Internet content located on any WEBSITES.

8 **REQUEST NO. 3:**

9 All DOCUMENTS which IDENTIFY any Internet content hosted on computer equipment  
10 owned by YOU apart from the WEBSITES.

11 **RESPONSE TO REQUEST NO. 3:**

12 AKANOC does not have any such documents in its possession, custody or control.  
13 AKANOC is a web hosting company and therefore has never printed, downloaded or otherwise  
14 stored Internet content located on any WEBSITES.

15 **REQUEST NO. 4:**

16 All DOCUMENTS which describe or IDENTIFY services provided by YOU to the  
17 WEBSITES.

18 **RESPONSE TO REQUEST NO. 4:**

19 No responsive documents have ever existed. AKANOC has never provided any services to  
20 the WEBSITES.

21 **REQUEST NO. 5:**

22 All DOCUMENTS RELATING TO any services YOU provide in connection with the  
23 WEBSITES.

24 **RESPONSE TO REQUEST NO. 5:**

25 No responsive documents have ever existed. AKANOC has never provided any services to  
26 the WEBSITES.

27 ////

28 ////

1 **REQUEST NO. 6:**

2 All DOCUMENTS concerning payments made to YOU for services rendered in relation to  
3 the WEBSITES.

4 **RESPONSE TO REQUEST NO. 6:**

5 No responsive documents exist. AKANOC has never provided services to or received  
6 payments from the WEBSITES.

7 **REQUEST NO. 7:**

8 All DOCUMENTS concerning any items or merchandise sold or bought at or through the  
9 WEBSITES.

10 **RESPONSE TO REQUEST NO. 7:**

11 No responsive documents have ever existed. AKANOC has never bought or sold items or  
12 merchandise through the WEBSITES nor has it ever had any documents which evidence items or  
13 merchandise bought or sold through the WEBSITES.

14 **REQUEST NO. 8:**

15 All DOCUMENTS concerning the identification of PERSONS operating the WEBSITES  
16 (including but not limited to checks, money orders, driver's licenses, social security cards, green  
17 cards, immigration documentation, credit checks and utility bills).

18 **RESPONSE TO REQUEST NO. 8:**

19 AKANOC responds that it does not have, and has never had, any documents concerning the  
20 identification of persons operating any of the WEBSITES.

21 **REQUEST NO. 9:**

22 All DOCUMENTS and correspondence between and among DEFENDANTS and PERSON  
23 or ENTITY to which DEFENDANTS provided services for the WEBSITES.

24 **RESPONSE TO REQUEST NO. 9:**

25 AKANOC objects that this request is unclear as to what is being requested. Assuming Louis Vuitton  
26 is seeking communication between Defendants and operators of the WEBSITES, AKANOC  
27 responds that no responsive documents exist because AKANOC and none of the other defendants  
28 have provided any services to the WEBSITES. Assuming that Louis Vuitton means by "provided

1 services” that a WEBSITE has ever used an internet address registered to a DEFENDANT as a  
2 consequence of purchasing web hosting services from a customer of a DEFENDANT, then no  
3 responsive documents have been located after a diligent search of records but the records search  
4 continues and if any such DOCUMENT is discovered it ill be produced.

5 **REQUEST NO. 10:**

6 All DOCUMENTS between and among DEFENDANTS and any third party regarding the  
7 sale of merchandise on any WEBSITES.

8 **RESPONSE TO REQUEST NO. 10:**

9 AKANOC will produce correspondence/emails sent to AKANOC concerning the  
10 WEBSITES and any subsequent “take down” notices sent to re-sellers. No other DOCUMENTS  
11 responsive to this request have ever been in AKANOC’S possession, custody or control.

12 **REQUEST NO. 11:**

13 All notices or other written correspondence from YOU to any of the DEFENDANTS or to  
14 the operator of any WEBSITE.

15 **RESPONSE TO REQUEST NO. 11:**

16 No responsive documents have ever existed. AKANOC has never had any contact with  
17 operators of any WEBSITE.

18 **REQUEST NO. 12:**

19 All computer records or electronic data relating to the WEBSITES, specifically including  
20 records of all sales made through the WEBSITES.

21 **RESPONSE TO REQUEST NO. 12:**

22 AKANOC will produce correspondence/emails sent to AKANOC concerning the  
23 WEBSITES and any subsequent “take down” notices sent to Web hosting re-sellers. No other  
24 DOCUMENTS responsive to this request have ever been in AKANOC’S possession, custody or  
25 control.

26 **REQUEST NO. 13:**

27 All BOOKS AND RECORDS related to the WEBSITES.

28 ///



1 **RESPONSE TO REQUEST NO. 13:**

2 AKANOC has never had any responsive documents in its possession, custody or control. AKANOC  
3 has never had any relationship or communication with any WEBSITE and therefore does not keep,  
4 and has never kept, any books and records relating to the WEBSITES or any other Website (apart  
5 from the Website for its own business).

6 **REQUEST NO. 14:**

7 All DOCUMENTS concerning any effort of any of the DEFENDANTS to monitor the  
8 business or trade at any and all of the WEBSITES.

9 **RESPONSE TO REQUEST NO. 14:**

10 AKANOC has never had any responsive documents in its possession, custody or control. AKANOC  
11 does not monitor the business or trade at any WEBSITE or any other website and therefore does not  
12 keep, and has never kept, any books and records relating to the WEBSITES or any other Website  
13 (apart from the Website for its own business).

14 **REQUEST NO. 15:**

15 Any DOCUMENTS concerning any demands, notices, or any other correspondence from any  
16 trademark or copyright holder or any federal, state, or local agency (including but not limited to the  
17 police department) related to the WEBSITES.

18 **RESPONSE TO REQUEST NO. 15:**

19 AKANOC will produce any correspondence/emails sent to AKANOC concerning the  
20 WEBSITES and any subsequent "take down" notices sent to re-sellers. No other DOCUMENTS  
21 responsive to this request have ever been in AKANOC'S possession, custody or control.

22 **REQUEST NO. 16:**

23 Any DOCUMENTS concerning any investigations conducted by any person in connection  
24 with the WEBSITES.

25 **RESPONSE TO REQUEST NO. 16:**

26 AKANOC will produce any correspondence/emails sent to AKANOC concerning the  
27 WEBSITES and any subsequent "take down" notices sent to re-sellers. No other DOCUMENTS  
28 responsive to this request have ever been in AKANOC'S possession, custody or control.

1 **REQUEST NO. 17:**

2 All DOCUMENTS, including notices and litigation pleadings, from any city or state  
3 governmental agency or department (including but not limited to the police department) concerning  
4 any of the WEBSITES from July 26, 2004 to the present.

5 **RESPONSE TO REQUEST NO. 17:**

6 AKANOC will produce any correspondence/emails sent to AKANOC concerning the  
7 WEBSITES and any subsequent "take down" notices sent to re-sellers. No other DOCUMENTS  
8 responsive to this request have ever been in AKANOC'S possession, custody or control.

9 **REQUEST NO. 18:**

10 All DOCUMENTS concerning any financial interest in any business or trade conducted at  
11 any of the WEBSITES.

12 **RESPONSE TO REQUEST NO. 18:**

13 No responsive documents have ever existed. AKANOC has never had any financial interest  
14 in any business or trade conducted at any of the WEBSITES, or any Website apart from the Website  
15 for its business.

16 **REQUEST NO. 19:**

17 All DOCUMENTS concerning any income derived from any of the WEBSITES other than  
18 any income, revenue, or profit generated or received from rents listed in any contract for web hosting  
19 service.

20 **RESPONSE TO REQUEST NO. 19:**

21 No responsive documents have ever existed. AKANOC has never had any financial interest  
22 in any business or trade conducted at any of the WEBSITES, or any Website (apart from the Website  
23 for its business).

24 **REQUEST NO. 20:**

25 All DOCUMENTS concerning any other business dealings with the operators of any of the  
26 WEBSITES.

27 ////

28 ////

1 **RESPONSE TO REQUEST NO. 20:**

2 No responsive documents have ever existed. AKANOC has never had any business dealings  
3 with the operators of any WEBSITE.

4 **REQUEST NO. 21:**

5 All DOCUMENTS, including but not limited to customer service records, financial records,  
6 telecommunications records and computer logs relating to the WEBSITES.

7 **RESPONSE TO REQUEST NO. 21:**

8 AKANOC will produce any correspondence/emails sent to AKANOC concerning the  
9 WEBSITES and any subsequent "take down" notices sent to re-sellers. No other DOCUMENTS  
10 responsive to this request have ever been in AKANOC'S possession, custody or control.

11 **REQUEST NO. 22:**

12 All DOCUMENTS RELATING TO or evidencing any COMMUNICATION through any of  
13 the WEBSITES.

14 **RESPONSE TO REQUEST NO. 22:**

15 AKANOC does not have, and has never had, any documents responsive to this request.

16 **REQUEST NO. 23:**

17 All DOCUMENTS RELATING TO, including any communications between YOU and any  
18 customer or account which owns any of the WEBSITES.

19 **RESPONSE TO REQUEST NO. 23:**

20 This request is unclear as to what is being requested, but assuming Louis Vuitton is seeking  
21 communications between AKANOC and operators of the WEBSITES, no responsive documents  
22 have ever existed. AKANOC has never had any direct contact with the owners or operators of any  
23 of the WEBSITES or knowledge of their identity.

24 **REQUEST NO. 24:**

25 All DOCUMENTS RELATING TO or evidencing any COMMUNICATIONS about the  
26 WEBSITES or any COMMUNICATIONS initiated through any of the WEBSITES.

27 ///

28 ///

1 **RESPONSE TO REQUEST NO. 24:**

2 AKANOC will produce any correspondence/emails sent to AKANOC concerning the  
3 WEBSITES and any subsequent "take down" notices sent to re-sellers. No other DOCUMENTS  
4 responsive to this request have ever been in AKANOC'S possession, custody or control.

5 **REQUEST NO. 25:**

6 All DOCUMENTS evidencing or containing any COMMUNICATIONS to or from any of  
7 the WEBSITES, specifically including emails.

8 **RESPONSE TO REQUEST NO. 25:**

9 AKANOC has never had any responsive documents in its possession, custody or control.  
10 AKANOC does not communicate with the operators or owners of any WEBSITE.

11 **REQUEST NO. 26:**

12 All DOCUMENTS evidencing or containing any COMMUNICATIONS about the  
13 WEBSITES, or any email transmissions from any of the WEBSITES, specifically including  
14 consumer complaints and abuse reports.

15 **RESPONSE TO REQUEST NO. 26:**

16 AKANOC will produce any correspondence/emails sent to AKANOC concerning the  
17 WEBSITES and any subsequent "take down" notices sent to re-sellers. No other DOCUMENTS  
18 responsive to this request have ever been in AKANOC's possession, custody or control.

19 **REQUEST NO. 27:**

20 All DOCUMENTS pertaining to any designated agent IDENTIFIED by YOU pursuant to the  
21 Digital Millennium Copyright Act.

22 **RESPONSE TO REQUEST NO. 27:**

23 AKANOC will provide responsive documents in its possession, custody and control.

24 **REQUEST NO. 28:**

25 All DOCUMENTS evidencing application of any safe harbor of the Digital Millennium  
26 Copyright Act by YOU.

27 **RESPONSE TO REQUEST NO. 28:**

28 AKANOC will provide responsive documents in its possession, custody and control.

1 **REQUEST NO. 29:**


2 All notices received by YOU pursuant to the Digital Millennium Copyright Act.

3 **RESPONSE TO REQUEST NO. 29:**

4 AKANOC will produce any correspondence/emails sent to AKANOC concerning the  
5 WEBSITES and any subsequent "take down" notices sent to re-sellers and will produce any other  
6 notices pursuant to the DMCA in its custody or control.

7  
8 Dated: February 1, 2008

**GAUNTLETT & ASSOCIATES**

9  
10 By:   
11 James A. Lowe  
12 Brian S. Edwards

13 Attorneys for Defendants  
14 Managed Solutions Group, Inc.,  
15 Akanoc Solutions, Inc.,  
16 And Steven Chen  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 RE: *Louis Vuitton Malletier, S.A. v. Akanoc Solutions, Inc., et al.*  
2 VENUE: U.S.D.C., Northern District, San Jose Division  
3 CASE NO.: C-07-03952 JW

3 **PROOF OF SERVICE**

4 I am employed in the County of Orange, State of California. I am over the age of eighteen (18)  
5 years and not a party to the within action; my business address is: Gauntlett & Associates, 18400 Von  
6 Karman, Suite 300, Irvine, California 92612.

7 On February 1, 2008, I served the foregoing document described as: **RESPONSES BY**  
8 **DEFENDANT AKANOC SOLUTIONS, INC. TO SECOND SET OF REQUESTS FOR**  
9 **PRODUCTION OF DOCUMENTS BY PLAINTIFF** on the interested parties in this action by  
10 placing a true copy thereof enclosed in a sealed envelope addressed as follows:

11 J. Andrew Coombs, Esq.  
12 Annie S. Wang, Esq.  
13 J. Andrew Coombs, A Prof. Corp.  
14 517 E. Wilson Avenue, Suite 202  
15 Glendale, CA 91206-5902  
16 Telephone: (818) 500-3200  
17 Facsimile: (818) 500-3201  
18 [andy@coombspc.com](mailto:andy@coombspc.com)  
19 [annie@coombspc.com](mailto:annie@coombspc.com)

20 *Attorneys for Plaintiff*  
21 *Louis Vuitton Malletier, S.A.*

- 22  **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and processing  
23 correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service  
24 on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course  
25 of business. I am aware that on motion of the party served, service is presumed invalid if postal  
26 cancellation date or postage meter date is more than one day after date of deposit for mailing  
27 in affidavit.
- 28  **(BY FACSIMILE)** The document was transmitted by facsimile transmission to the above fax  
numbers with the transmission reported as complete and without error.
- (BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION)** I caused the document  
to be sent to the respective e-mail address(es) of the party(ies) as stated above. I did not receive,  
within a reasonable time after the transmission, any electronic message or other indication that  
the transmission was unsuccessful.
- (BY UPS NEXT DAY AIR)** I caused such package to be deposited with the UPS Drop Box  
or UPS Air Service Center located at one of the following locations: 18400 Von Karman, Irvine,  
California 92612 or 2222 Michelson Drive, #222, Irvine, California 92612.
- (FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at  
whose direction the service was made.

Executed on February 1, 2008, at Irvine, California.

28 Peggy Murray  
(Print Name)

(Signature) 