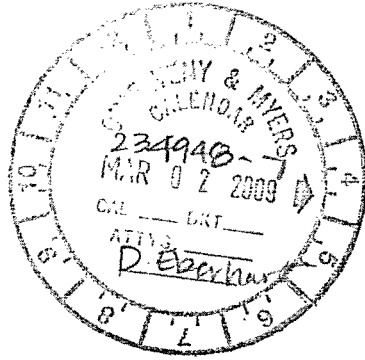


# **EXHIBIT 7**

1 RONALD RUS, #67369  
 rrus@rusmiliband.com  
 2 LEO J. PRESIADO, #166721  
 lpresiado@rusmiliband.com  
 3 RUS, MILIBAND & SMITH  
 A Professional Corporation  
 4 Seventh Floor  
 2211 Michelson Drive  
 5 Irvine, California 92612  
 Telephone: (949) 752-7100  
 6 Facsimile: (949) 252-1514



7 Attorneys for Defendants  
 8 THUNDERWOOD HOLDINGS, INC.,  
 BRIAN DUNNING, and BRIANDUNNING.COM

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

13 EBAY INC., )  
 14 )  
 Plaintiff, )  
 15 vs. )  
 16 DIGITAL POINT SOLUTIONS, INC.; )  
 17 SHAWN HOGAN; KESSLER's FLYING )  
 CIRCUS; THUNDERWOOD HOLDINGS, )  
 18 INC.; TODD DUNNING; DUNNING )  
 ENTERPRISES, INC.; BRIAN DUNNING; )  
 19 BRIANDUNNING.COM; and DOES 1-20, )  
 20 )  
 Defendants. )

CASE NO. C 08-4052 JF  
**RESPONSES OF DEFENDANT  
 THUNDERWOOD HOLDINGS, INC.  
 TO FIRST SET OF REQUESTS FOR  
 ADMISSION PROPOUNDED BY  
 PLAINTIFF EBAY INC.**

21  
 22 PROPOUNDING PARTY: PLAINTIFF EBAY INC.  
 23 RESPONDING PARTY: DEFENDANT THUNDERWOOD HOLDINGS, INC.  
 24 SET NO.: ONE (1)  
 25 Defendant Thunderwood Holdings, Inc. ("Defendant" and/or "Responding  
 26 Party") hereby responds to the First Set of Requests for Admission (Nos. 1-25) propounded by  
 27 Plaintiff eBay Inc. ("Plaintiff" and/or "Propounding Party") as follows:

28 ///

1 GENERAL STATEMENT

2 Defendant's Motion to Dismiss Plaintiff's First Amended Complaint was  
3 granted by Order entered February 24, 2009. As such, Plaintiff's Complaint has been  
4 dismissed with leave to amend. No amended complaint has been filed and/or served in  
5 this action. As such, there is no pending claim against Defendant and Defendant is not  
6 required to respond to Plaintiff's discovery request. In this regard, Defendant requested  
7 that Plaintiff acknowledge that no response is required or, in the alternative, grant  
8 Defendant an extension of time to respond to the discovery requests until some time after  
9 Plaintiff files an amended complaint against Defendant, if at all. Plaintiff refused  
10 Defendant's request without explanation. Defendant serves these responses out of an  
11 abundance of caution in the event it is determined that such responses are required despite  
12 the dismissal of Plaintiff's Complaint against Defendant. Otherwise, Defendant reserves  
13 the right to withdraw these responses in total and otherwise object to the use, reference to,  
14 or disclosure of these responses in any manner for any purpose.

15 Brian Dunning ("Mr. Dunning") has invoked his privilege against  
16 self-incrimination pursuant to the Fifth Amendment to the U.S. Constitution, *Lefkowitz v.*  
17 *Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence Rule 501, Article 1, Section 15 of  
18 the California Constitution, and California Evidence Code section 940. Since Mr. Dunning is  
19 the sole shareholder and sole authorized representative of Responding Party, and the only  
20 person who can verify discovery responses on behalf of Responding Party, Responding Party  
21 cannot provide any verified responses without compromising Mr. Dunning's right against  
22 self-incrimination.

23 Should Mr. Dunning determine that there is no longer the threat of potential  
24 criminal prosecution and elect to withdraw his privilege against self-incrimination in the future,  
25 Responding Party expressly reserves the right to supplement its responses.

26 Furthermore, the Federal Bureau of Investigation has seized all documents and  
27 computers, disk drives, hard drives, cell phones and servers containing information potentially  
28 related to this matter. Assistant United States Attorney Kyle F. Waldinger in charge of this

1 investigation has refused all requests to provide Defendants with a copy of the material seized  
2 by the FBI. Those items and records may contain information responsive to the requests  
3 below, but those items and records are not in the possession, custody or control of Defendants.

4 **RESPONSES**

5 **REQUEST FOR ADMISSION NO. 1:**

6 Admit that Thunderwood conducted business with eBay during at least some  
7 portion of 2007.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

9 Responding Party objects to this request on the grounds that it violates  
10 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
11 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
12 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
13 section 940. Responding Party further objects on the ground that this request is vague and  
14 ambiguous.

15 **REQUEST FOR ADMISSION NO. 2:**

16 Admit that Thunderwood conducted business with eBay during at least some  
17 portion of 2006.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

19 Responding Party objects to this request on the grounds that it violates  
20 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
21 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
22 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
23 section 940.

24 **REQUEST FOR ADMISSION NO. 3:**

25 Admit that Thunderwood conducted business with eBay during at least some  
26 portion of 2005.

27 ///

28 ///

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

2 Responding Party objects to this request on the grounds that it violates  
3 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
4 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
5 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
6 section 940. Responding Party further objects on the ground that this request is vague and  
7 ambiguous.

8 **REQUEST FOR ADMISSION NO. 4:**

9 Admit that Thunderwood conducted business with eBay during at least some  
10 portion of 2004.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

12 Responding Party objects to this request on the grounds that it violates  
13 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
14 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
15 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
16 section 940. Responding Party further objects on the ground that this request is vague and  
17 ambiguous.

18 **REQUEST FOR ADMISSION NO. 5:**

19 Admit that Thunderwood conducted business with eBay during at least some  
20 portion of 2003.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

22 Responding Party objects to this request on the grounds that it violates  
23 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
24 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
25 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
26 section 940. Responding Party further objects on the ground that this request is vague and  
27 ambiguous.

28 ///

1 **REQUEST FOR ADMISSION NO. 6:**

2 Admit that Thunderwood participated in an eBay Affiliate Marketing Program or  
3 programs.

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

5 Responding Party objects to this request on the grounds that it violates  
6 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
7 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
8 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
9 section 940. Responding Party further objects on the ground that this request is vague and  
10 ambiguous.

11 **REQUEST FOR ADMISSION NO. 7:**

12 Admit that, while participating in an eBay Affiliate Marketing Program or  
13 programs, Thunderwood utilized software programs and/or code that caused some Users'  
14 computers to access an eBay website without the User's knowledge.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

16 Responding Party objects to this request on the grounds that it violates  
17 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
18 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
19 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
20 section 940. Responding Party further objects on the ground that this request is vague and  
21 ambiguous.

22 **REQUEST FOR ADMISSION NO. 8:**

23 Admit that, while participating in an eBay Affiliate Marketing Program or  
24 programs, Thunderwood utilized software programs and/or code that caused some Users'  
25 computers to access an eBay web server without the User's knowledge.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

27 Responding Party objects to this request on the grounds that it violates  
28 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the

1 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
2 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
3 section 940. Responding Party further objects on the ground that this request is vague and  
4 ambiguous.

5 **REQUEST FOR ADMISSION NO. 9:**

6 Admit that, while participating in an eBay Affiliate Marketing Program or  
7 programs, Thunderwood utilized software programs and/or code that redirected a User to an  
8 eBay website without the User knowingly clicking on an Advertisement Link.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

10 Responding Party objects to this request on the grounds that it violates  
11 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
12 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
13 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
14 section 940. Responding Party further objects on the ground that this request is vague and  
15 ambiguous.

16 **REQUEST FOR ADMISSION NO. 10:**

17 Admit that, while participating in an eBay Affiliate Marketing Program or  
18 programs, Thunderwood utilized software programs and/or code that redirected a User to an  
19 eBay web server without the User knowingly clicking on an Advertisement Link.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

21 Responding Party objects to this request on the grounds that it violates  
22 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
23 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
24 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
25 section 940. Responding Party further objects on the ground that this request is vague and  
26 ambiguous.

27 ///

28 ///

1 **REQUEST FOR ADMISSION NO. 11:**

2 Admit that, while participating in an eBay Affiliate Marketing Program or  
3 programs, Thunderwood utilized software programs and/or code that performed Cookie  
4 Stuffing.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

6 Responding Party objects to this request on the grounds that it violates  
7 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
8 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
9 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
10 section 940. Responding Party further objects on the ground that this request is vague and  
11 ambiguous.

12 **REQUEST FOR ADMISSION NO. 12:**

13 Admit that Thunderwood used methods, techniques and/or technological  
14 measures to avoid detection by eBay of certain aspects of how Thunderwood interacted with  
15 eBay's Affiliate Marketing Program or programs.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

17 Responding Party objects to this request on the grounds that it violates  
18 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
19 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
20 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
21 section 940. Responding Party further objects on the ground that this request is vague and  
22 ambiguous.

23 **REQUEST FOR ADMISSION NO. 13:**

24 Admit that Thunderwood used methods, techniques and/or technological  
25 measures to avoid detection by Commission Junction of certain aspects of how Thunderwood  
26 interacted with eBay's Affiliate Marketing Program or programs.

27 / / /

28 / / /



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

2 Responding Party objects to this request on the grounds that it violates  
3 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
4 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
5 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
6 section 940. Responding Party further objects on the ground that this request is vague and  
7 ambiguous.

8 **REQUEST FOR ADMISSION NO. 14:**

9 Admit that Thunderwood utilized methods, techniques and/or technological  
10 measures to avoid detection by eBay of Cookie Stuffing caused by Thunderwood.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

12 Responding Party objects to this request on the grounds that it violates  
13 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
14 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
15 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
16 section 940. Responding Party further objects on the ground that this request is vague and  
17 ambiguous.

18 **REQUEST FOR ADMISSION NO. 15:**

19 Admit that Thunderwood utilized methods, techniques and/or technological  
20 measures to avoid detection by Commission Junction of Cookie Stuffing caused by  
21 Thunderwood.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

23 Responding Party objects to this request on the grounds that it violates  
24 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
25 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
26 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
27 section 940. Responding Party further objects on the ground that this request is vague and  
28 ambiguous.

1 **REQUEST FOR ADMISSION NO. 16:**

2 Admit that, while participating in an eBay Affiliate Marketing Program or  
3 programs, Thunderwood utilized software and/or code to determine the geographic location of  
4 a User.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

6 Responding Party objects to this request on the grounds that it violates  
7 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
8 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
9 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
10 section 940. Responding Party further objects on the ground that this request is vague and  
11 ambiguous.

12 **REQUEST FOR ADMISSION NO. 17:**

13 Admit that, while participating in an eBay Affiliate Marketing Program or  
14 programs, Thunderwood utilized software and/or code to determine whether a User was  
15 located in San Jose, CA.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

17 Responding Party objects to this request on the grounds that it violates  
18 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
19 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
20 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
21 section 940. Responding Party further objects on the ground that this request is vague and  
22 ambiguous.

23 **REQUEST FOR ADMISSION NO. 18:**

24 Admit that, while participating in an eBay Affiliate Marketing Program or  
25 programs, Thunderwood utilized software and/or code to determine whether a User was  
26 located in Santa Barbara, CA.

27 ///

28 ///

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

2 Responding Party objects to this request on the grounds that it violates  
3 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
4 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
5 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
6 section 940. Responding Party further objects on the ground that this request is vague and  
7 ambiguous.

8 **REQUEST FOR ADMISSION NO. 19:**

9 Admit that, while participating in an eBay Affiliate Marketing Program or  
10 programs, Thunderwood utilized software and/or code that would disable or not engage  
11 Thunderwood's Cookie Stuffing technology if a User's computer was located in San Jose, CA.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

13 Responding Party objects to this request on the grounds that it violates  
14 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
15 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
16 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
17 section 940. Responding Party further objects on the ground that this request is vague and  
18 ambiguous.

19 **REQUEST FOR ADMISSION NO. 20:**

20 Admit that, while participating in an eBay Affiliate Marketing Program or  
21 programs, Thunderwood utilized software and/or code that would disable or not engage  
22 Thunderwood's Cookie Stuffing technology if a User's computer was located in Santa Barbara,  
23 CA.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

25 Responding Party objects to this request on the grounds that it violates  
26 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
27 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
28 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code

1 section 940. Responding Party further objects on the ground that this request is vague and  
2 ambiguous.

3 **REQUEST FOR ADMISSION NO. 21:**

4 Admit that Thunderwood received commissions from eBay, whether directly or  
5 through Commission Junction, that were based, in whole or in part, on Users whose computers  
6 were directed to eBay's website without the User's knowledge.

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

8 Responding Party objects to this request on the grounds that it violates  
9 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
10 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
11 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
12 section 940. Responding Party further objects on the ground that this request is vague and  
13 ambiguous.

14 **REQUEST FOR ADMISSION NO. 22:**

15 Admit that Thunderwood received commissions from eBay, whether directly or  
16 through Commission Junction, that were based, in whole or in part, on Users who had never  
17 actually clicked on a Thunderwood-sponsored eBay advertisement link.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

19 Responding Party objects to this request on the grounds that it violates  
20 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
21 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
22 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
23 section 940. Responding Party further objects on the ground that this request is vague and  
24 ambiguous.

25 **REQUEST FOR ADMISSION NO. 23:**

26 Admit that Thunderwood received commissions from eBay, whether directly or  
27 through Commission Junction, that were based, in whole or in part, Cookie Stuffing caused by  
28 Thunderwood.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

2 Responding Party objects to this request on the grounds that it violates  
3 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
4 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
5 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
6 section 940. Responding Party further objects on the ground that this request is vague and  
7 ambiguous.

8 **REQUEST FOR ADMISSION NO. 24:**

9 Admit that Thunderwood engaged in Cookie Stuffing with the intent to defraud  
10 eBay.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

12 Responding Party objects to this request on the grounds that it violates  
13 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
14 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
15 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code  
16 section 940. Responding Party further objects on the ground that this request is vague,  
17 ambiguous, and constitutes a legal conclusion.

18 **REQUEST FOR ADMISSION NO. 25:**

19 Admit that Thunderwood defrauded eBay.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 25:**

21 Responding Party objects to this request on the grounds that it violates  
22 Mr. Dunning's privilege against self-incrimination pursuant to the Fifth Amendment to the  
23 U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence  
24 Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code

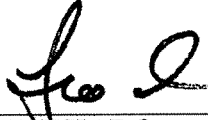
25 ///  
26 ///  
27 ///  
28 ///

1 section 940. Responding Party further objects on the ground that this request is vague,  
2 ambiguous, and constitutes a legal conclusion.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: February 26, 2009

RUS, MILIBAND & SMITH  
A Professional Corporation

By: 

LEO J. PRESIADO  
Attorneys for Defendants  
Thunderwood Holdings, Inc., Brian Dunning  
and BrianDunning.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

*eBay, Inc. v. Digital Point Solutions, Inc., et al.*  
*Northern District of California, San Jose Division*  
*Case No. C 08-4052 JF*

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF ORANGE )

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 2211 Michelson Drive, Seventh Floor, Irvine, California 92612.

On **February 26, 2009**, I served the foregoing documents described as **RESPONSES OF DEFENDANT THUNDERWOOD HOLDINGS, INC. TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY PLAINTIFF EBAY, INC.** on the interested parties in this action by placing a copy thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

✓ As follows: 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.

\_\_\_\_ (By E-Mail) As follows: I caused the above-referenced document(s) to be transmitted to the above-named persons.

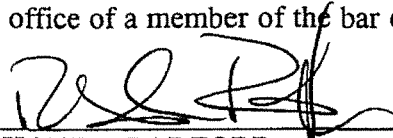
\_\_\_\_ (By Facsimile) As follows: I caused the above-referenced document(s) to be transmitted to the above-named persons by facsimile.

\_\_\_\_ (By Hand Delivery) As follows: I caused the above-referenced document(s) to be hand delivered to the above-named persons.

\_\_\_\_ (By Overnight Delivery) As follows: By overnight delivery via Overnite Express and/or Federal Express to the office of the addressee noted on the attached service list.

Executed on **February 26, 2009**, at Irvine, California.

✓ (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.



RHONDA RADFORD

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SERVICE LIST**

*eBay, Inc. v. Digital Point Solutions, Inc., et al.  
Northern District of California, San Jose Division  
Case No. C 08-4052*

David R. Eberhart  
Sharon M. Bunzel  
Colleen M. Kennedy  
O'Melveny & Myers  
Two Embarcadero, 20<sup>th</sup> Floor  
San Francisco, CA 94111  
Tel: (949) 984-8700  
Fax: (949) 984-8701  
Email: [deberhart@omm.com](mailto:deberhart@omm.com), [sbunzel@omm.com](mailto:sbunzel@omm.com)  
*Attorneys for Plaintiff eBay, Inc.*

Stewart H. Foreman  
Freeland, Cooper & Foreman, LLP  
150 Spear Street, Suite 1800  
San Francisco, CA 94105  
Tel: (949) 541-0200  
Fax: (949) 495-4332  
Email: [foreman@freelandlaw.com](mailto:foreman@freelandlaw.com)  
*Attorneys for Defendants Todd Dunning and Dunning Enterprises, Inc.*

Seyamack Kouretchian  
Coast Law Group. LLP  
169 Saxony Road  
Suite 204  
Encinitas, CA 92024  
Tel: (760) 942-8505  
Fax: (760) 942-8515  
Email: [seyamack@coastlawgroup.com](mailto:seyamack@coastlawgroup.com)  
*Attorneys for Digital Point Solutions, Inc. and Shawn Hogan*

Patrick K. McClellan  
Law Offices of Patrick K. McClellan  
2211 Michelson Drive, Suite 700  
Irvine, California 92612  
Tel: (949) 261-7615  
Fax: (949) 851-2772  
Email: [pkellymc@pacbell.net](mailto:pkellymc@pacbell.net)  
*Attorney for Kessler's Flying Circus*