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\*\*E-Filed 11/23/09\*\*

7 Attorneys for Plaintiff  
 Walton International Group (USA), Inc.

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

12 Walton International Group (USA), Inc.,  
 13 Plaintiff,  
 14 v.  
 15 Elizabeth Arden, and Does 1-20,  
 16 Defendants.

Case No. C09-04721-JF  
 Hon. Jeremy Fogel

**[PROPOSED] ORDER GRANTING  
 PLAINTIFF'S EX PARTE APPLICATION  
 FOR AN ORDER AUTHORIZING  
 ALTERNATIVE SERVICE**

Action Filed: October 2, 2009

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ADORNO YOSS ALVARADO & SMITH  
 ATTORNEYS AT LAW  
 LOS ANGELES

1 Plaintiff Walton International Group (USA), Inc.'s filed an *ex parte* application for an order  
2 authorizing alternate service on Defendant Elizabeth Arden of the summons and complaint filed on  
3 October 2, 2009.

4 After full consideration of the evidence, having reviewed the papers in support of the *ex parte*  
5 application, the Court rules as follows:

6 1. Defendant in this case is the operator of an online website, located on the Internet at  
7 www.complaintsboard.com. Defendant does not provide any contact information or physical  
8 address on its website. The Defendant's domain name registration for "complaintsboard.com,"  
9 however, references a post office box in Sunnyvale, California, within this judicial district.

10 2. After reasonable diligence, Plaintiff has been unable to serve the Defendant, the  
11 operator of the website Complaintsboard.com, at the address maintained by the Defendant in the  
12 whois database of domain name registrations. *See*, Affidavit of Service of Reasonable Diligence,  
13 filed November 13, 2009 (Docket No. 8).

14 3. Plaintiff has established that the Defendant can be contacted both through email and  
15 by service of papers on Melbourne IT, the registrar of the domain name Complaintsboard.com. Each  
16 of these methods of service is independently calculated to provide notice to the Defendant and an  
17 opportunity to respond to the Complaint. *See, Rio Properties Inc. v. Rio International Interlink*, 284  
18 F.3d 1007 (9<sup>th</sup> Cir. 2002) (authorizing service by email on online entity operating Internet-based  
19 sports betting operation).

20 4. Accordingly, Plaintiff's *ex parte* application is granted authorizing alternative service  
21 on Defendant as follows:

22 a. Plaintiff is authorized to serve the Defendant by email at the following email  
23 addresses: "worldonlineauctions@gmail.com" and "contact@myprivateregistration.com" (with the  
24 domain name "Complaintsboard.com" in the subject line of the email sent to  
25 "contact@myprivateregistration.com"); and,

26 b. Plaintiff is authorized to serve the Defendant by and through service on the  
27 Defendant's domain name registrar, Melbourne IT, which has agreed to "pass[] on important  
28 communication" to the registrant for its customers, such as this one, using Melbourne IT's private

1 registration service. A summons and complaint is implicitly the type of "important communication"  
2 for which Melbourne IT has agreed to take responsibility. Plaintiff should serve Defendant by all  
3 the means authorized by Melbourne IT on its website, including service by (a) using the webform at  
4 <http://www.melbourneit.com.au/cc/emailmanagement>; (b) using the email address  
5 "contact@myprivateregistration.com"; and (c) by service upon each of Melbourne IT's offices in this  
6 jurisdiction, located at (i) 1900 Powell Street, Suite 1070, Emeryville, CA 94608 and (ii) 636 Ellis  
7 Street, Mountain View, CA, 94043.

8 IT IS SO ORDERED.

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10 DATED: 11/23/2009

  
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12 HON. JEREMY FOGEL  
13 JUDGE OF THE U.S. DISTRICT COURT