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**STATEMENT OF THE FACTS**

Defendants Akanoc Solutions, Inc., Managed Solutions Group, Inc., and Steven Chen (collectively “Defendants”) operate a successful business owning, operating and allegedly renting approximately 1,500 servers in several locations including Fremont, California and New York, which host and continued to host a number of infringing websites selling counterfeit Louis Vuitton merchandise despite repeated notice. Declaration of J. Andrew Coombs (“Coombs Decl.”) at ¶ 4. Defendants indicated that insurance coverage is available. Coombs Decl., Ex. A.

Plaintiff’s headquarters is in France. Id. at ¶ 3. Though Plaintiff has a manufacturing facility in San Dimas, California, it does not oversee any internet related intellectual property enforcement efforts from that location, nor does it have any corporate offices dedicated to the issues involved in this litigation in California and, most important, it has no designee pursuant to Fed.R.Civ.P. 30(b)(6) at that location. Id. Plaintiff does have personnel in New York who handle intellectual property enforcement issues. Id. United States counsel responsible for intellectual property who is expected to attend the deposition is based in New York. There would be far less travel time, expense and disruption involved for any deponent traveling from France to New York, than anywhere in California. Id.

Plaintiff identified its corporate witness in its Initial Disclosures which were served on Defendants’ counsel on or about November 28, 2007. Declaration of Brian Edwards in Support of Motion to Compel at ¶ 2. The Parties have met and conferred on the depositions for both parties and have exchanged several letters, some of which discussed Plaintiff’s alternatives to resolve the present dispute. Coombs Decl. at ¶ 5. The Parties were able to resolve most of the deposition disputes, and in two of its objections dated March 13, 2008, Defendants cited Thomas v. International Business Machines, 48 F.3d 478, 483 (10<sup>th</sup> Cir. 1995) which restates the presumption that the location of the deposition of a corporation should be its principal place of business. Id. at ¶ 6. On or about April 1, 2008, the deposition of Robert Holmes took place in Dallas, Texas, where one attorney for Defendants appeared and was connected by active Internet link to his office, where the transcript could be reviewed in real time by personnel in defense

1 counsel's office and, possibly, one or more of the Defendants. Id. at ¶ 7.

2 Defendants take the position that they must depose Plaintiff in California. Plaintiff has  
3 offered and continues to offer that the deposition take place telephonically, in New York, or at  
4 Defendants' counsel's office but, if so, with out of pocket expenses reimbursed by Defendants.

## 5 **ARGUMENT**

### 6 **I. Defendants Fail to Rebut the Admitted Presumption that Plaintiff's Deposition is** 7 **Properly Taken at the Plaintiff's Principal Place of Business: Paris, France.**

8 Defendants do not dispute the applicable presumption: the deposition of Plaintiff is to be  
9 taken at its principal place of business, in Paris, France.

10 Courts have found exceptions to this presumption and Defendants have cited non-binding  
11 authority to evaluate when departure from the presumption is warranted.<sup>2</sup> Those exceptions are  
12 not applicable here.

13 Though many of the arguments advanced by Defendants' have become moot since the  
14 filing of their motion or are misleading, given the relative inconvenience to Defendants and most  
15 importantly in light of the multiple alternatives proposed by Plaintiff, the deposition of Plaintiff's  
16 corporate designee should take place either telephonically, as the most cost effective choice for  
17 all involved, in France, applying the presumption, or as alternatives, in New York, where all  
18 Parties conduct business, or at Defendants' counsel's office at Defendants' expense.

#### 19 **a. Some of Defendants' Assertions are Unsupported, Moot or Misleading.**

20 Defendants make the following assumptions and adduce no evidence in support of the  
21 following assertions in their moving papers which should be accorded no weight:

22 1. Plaintiff's deponent travels frequently to California: Counsel is not aware of any  
23 recent visits by Plaintiff's designee to California. Coombs Decl. at ¶ 3.

24 2. Traveling to California for deposition is one of the expected costs of doing business  
25

26 <sup>2</sup> The Cadent case is distinguishable because the resisting party provided "absolutely no  
27 rationale" for its position, including a failure to identify the corporate designee, let alone the  
28 designee's residency or travel schedules, among other things. Cadent Ltd. v. 3M Unitek  
Corporation, et al., 232 F.R.D. 625, 629-30 (C.D. Cal. 2005). In addition to the rationale set  
forth herein, Plaintiff identified its designee in its initial disclosures in November of 2007.

1 for Louis Vuitton: Plaintiff's designee is responsible for Louis Vuitton's global Internet  
2 enforcement efforts and, to the contrary, the scope of Internet activity is such that no such  
3 assumption is warranted or supported here.

4 3. It is more convenient for all Parties that the deposition of Plaintiff take place in  
5 California: As set forth in greater detail below, there are several reasons why Paris and even  
6 New York are substantially more convenient for Louis Vuitton and Defendants have already  
7 demonstrated the effective absence of any inconvenience in deposing a witness out of state,  
8 especially where they might otherwise be obliged to travel in any event to Northern California.

9 4. A manufacturing facility has anything to do with corporate intellectual property  
10 enforcement: the San Dimas operation has no relevant responsibilities and the corporate designee  
11 is not domiciled there. This argument is tantamount to suggesting that the deposition can be  
12 compelled in any judicial district where a retail outlet is located.

13 5. Disputes are likely to arise during the deposition of Plaintiff's corporate witness and  
14 will be more easily addressed if the deposition takes place in California: one deposition has been  
15 concluded without any disputes and applicable rules provide for resolution by telephone  
16 conference which can be conducted from any location.

17 6. The Robert Holmes deposition was concluded without "incident" on April 1, 2008 and  
18 any argument predicated upon presumed disputes arising due to that deposition are moot.  
19 Coombs Decl. at ¶ 7.

20 Aside from the unsupported assumptions above, the following statements also fail to  
21 support Defendants' efforts to rebut the admitted presumption that Paris is the appropriate venue  
22 for Plaintiff's deposition:

- 23 a) Louis Vuitton brought the lawsuit in California and should appear in California for  
24 deposition.

25 Louis Vuitton brought the lawsuit in the Northern District of California as it was the  
26 place of all Defendants' domicile. Louis Vuitton should not have to bear the additional costs of  
27 already litigating in a foreign forum which was chosen in large part due to Defendants' presence  
28

1 and the infringing conduct.<sup>3</sup> The global nature of the Internet is well documented. The  
2 corresponding scope of the counterfeiting challenge which a famous brand such as Louis Vuitton  
3 must combat is similarly well documented. To require Louis Vuitton to appear in connection  
4 with each piece of litigation in each jurisdiction where it is required to travel to enforce its  
5 famous rights only magnifies the harm caused by the rampant online infringement of its  
6 copyrights and trademarks. The choice of forum has benefited Defendants and Plaintiff should  
7 not have to bear additional deposition costs in light of the presumption that its deposition should  
8 take place at its principal place of business. There is enough burden imposed upon Louis  
9 Vuitton to litigate in a foreign district, including appearances required for other Court mandated  
10 proceedings including (and up to) trial that to require it to bear the full burden for appearance for  
11 deposition on these facts is inappropriate.

12 b) Counsel for both Parties are located in California and Louis Vuitton is producing one  
13 witness from France as opposed to many.

14 At the deposition of Robert Holmes which took place on April 1, 2008, Defendants sent  
15 just one attorney who was aided by an active Internet link which communicated the deponent's  
16 testimony in real time to defense counsel's office in Irvine. Defendants can clearly employ such  
17 technology to take the Plaintiff's deposition. Thus, the relative inconvenience to Plaintiff's  
18 deponent, who must travel from France to California, as suggested by Defendants, compared to  
19 the inconvenience of Defendants' one attorney whose travel time would only be increased by a  
20 few hours from Northern California to New York is unreasonable.

21 It would be inconvenient for Plaintiff's witness to be deposed anywhere other than in  
22 France. Despite the location of all counsel in Southern California, Plaintiff's inconvenience in  
23 traveling from France is key and the alternatives proposed by Plaintiff addresses these concerns  
24 and those of cost raised by Defendants.

25  
26 <sup>3</sup> A Northern District ruling required the corporate Plaintiff in an insurance dispute to be deposed  
27 in the forum as Plaintiff had issued the policies in the forum which were directly related to the  
28 case and such appearance was foreseeable based upon the issuance of the policies. Lexington  
Insurance Co., et al. v. Commonwealth Insurance Co. et al., 1999 U.S. Dist. LEXIS 23428, \*30  
(N.D. Cal. September 17, 1999). In this case, the litigation involves illegal conduct over which  
Louis Vuitton had no control over, thus the reasoning in Lexington, is distinguishable.

1 c) Louis Vuitton is better able to afford the expense of the trip and forcing a small  
2 corporate defendant such as MSG to pay attorneys to fly to France or New York  
3 would be an enormous cost burden.

4 There are two corporate defendants and one individual involved in this case. Defendants  
5 have made no assertions that their businesses are not successful and discovery completed to date  
6 would contradict that claim. Further, insurance is in play and Defendants will likely be looking  
7 to the insurance to assist in the costs associated with this litigation.

8 Moreover, the deposition of Plaintiff's representative will likely cover issues common to  
9 all Defendants and Defendants will most likely send just one attorney to represent all of their  
10 interests. Defendants will already be sharing the benefits of taking Plaintiff's deposition and  
11 should be able to share in the costs as well.

12 Defendants have already demonstrated an ability to travel for deposition as they  
13 conducted the deposition of Robert Holmes in Dallas, Texas. Further, the cost and time  
14 differential for Defendants between Northern California and New York is marginal when  
15 compared to the great inconvenience of forcing Plaintiff's deposition to occur anywhere in  
16 California in light of the presumption.

17 **II. The Alternatives Proposed By Plaintiff During the Meet and Confer Process**  
18 **Adequately Address the Factors which Might Otherwise Overcome the**  
19 **Presumption for Taking the Deposition in France.**

20 **i. Telephonic Deposition.**

21 This alternative is the most cost effective choice and would allow all Parties to participate  
22 in locations most convenient to them. The timing of the deposition could also be set as to best  
23 accommodate Defendants' counsel and any possible disputes that may arise which would require  
24 Court intervention.

25 **ii. New York.**

26 If Defendants are willing to send their attorney to Northern California from Southern  
27 California to take Plaintiff's deposition, they could just as easily send their attorney to New York  
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**DECLARATION OF J. ANDREW COOMBS**

I, J. ANDREW COOMBS, declare as follows:

1. I am an attorney at law, duly admitted to practice before the Courts of the State of California and the United States District Court for the Northern District of California. I am an attorney for Plaintiff Louis Vuitton Malletier, S.A. (“Plaintiff” or “Louis Vuitton”) in an action styled Louis Vuitton Malletier, S.A. v. Akanoc Solutions, Inc., et al. I make this Declaration in support of Plaintiff’s Opposition to Defendants’ Motion to Compel the Deposition of Plaintiff Louis Vuitton Malletier, S.A. Except as otherwise expressly stated to the contrary, I have personal knowledge of the following facts and, if called as a witness, I could and would competently testify as follows:

2. Defendants have indicated that insurance coverage is available in their Initial Disclosures dated December 3, 2007, a copy of which is attached hereto as Exhibit A.

3. I am informed and believe that, although Louis Vuitton merchandise is manufactured in San Dimas, California, no corporate functions, specifically including intellectual property enforcement and, more specifically internet related intellectual property enforcement efforts are managed from that location. Instead, the Plaintiff’s corporate head office is located in France. The Plaintiff’s designee pursuant to Fed.R.Civ.P. 30(b)(6) on issues identified by the Defendants is located at that office. Offices located in New York also handle intellectual property enforcement issues though not in the Internet area. United States intellectual property enforcement counsel is based at the New York office and I believe that he will be involved in the deposition of Plaintiff’s designee and I expect him to attend the deposition of Plaintiff’s designee in this case. There would be far less travel time, expense and disruption involved for any deponent traveling from France to New York, than anywhere in California. Plaintiff’s designee was identified in Plaintiff’s voluntary Rule 26 disclosures and is a resident of France. His office is in France and he is responsible for global Internet enforcement efforts for the Plaintiff. I have known Plaintiff’s designee for several years and I am unaware that he has visited California during that time.



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4. Attached hereto as Exhibit B are true and correct copies of printouts which appear to indicate that servers owned by at least two of the Defendants in this case are located in New York. To date Defendants have not asserted that means are an issue in taking the deposition outside of California and, to the contrary, there is nothing in documents produced in the action to date which implies that this might be an issue.

5. On or about January 28, 2008, and continuing through March of 2008, the Parties discussed the issue of time and place of the depositions for several individuals and/or corporate representatives in this matter and were able to resolve most of these issues among them. In the meet and confer process, many letters were exchanged, some of which discussed the time and location of the deposition of Plaintiff's Rule 30(b)(6) deposition. In that correspondence, Plaintiff made several offers other than proceeding in Paris, France, including proceeding telephonically, proceeding in New York, or proceeding in Orange County with Defendants' reimbursing Plaintiff's actual out-of-pocket expense (intended to expressly exclude any overhead or other costs Plaintiff will also incur), to resolve the dispute on where the deposition of the Plaintiff should take place.

6. In objecting to Plaintiff's Notices of Deposition of Defendants, Defendants cited to Thomas v. International Business Machines, 48 F.3d 478, 483 (10<sup>th</sup> Cir. 1995) on or about March 13, 2008, for the presumption that the location of the deposition of a corporation should be its principal place of business, which they now claim is inapposite to this matter in their moving papers. (This pertains to Plaintiff's notice of Defendants' depositions in the Central District of California – where both plaintiff's counsel and defendants' counsel are located and where at least some of the Defendants appear to maintain some business operations.) Attached hereto as Exhibit C are true and correct copies of these objections made by Defendants citing Plaintiff's authority on the proper location of a corporation's deposition.

7. On or about April 1, 2008, the deposition of Robert Holmes took place in Dallas, Texas for the full seven hours. This deposition did not finish until after business hours, local time. James Lowe, counsel for Defendants conducted the deposition. Through software and an

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active Internet connection, Mr. Lowe's office was able to review the transcript as it was transcribed and to comment on the deponent's testimony. No disputes arose during the deposition which required intervention by the Court.

8. On or about April 1, 2008, the Parties agreed that Plaintiff's Opposition would be timely if filed and served on or before April 2, 2008. The Parties agreed that the Defendants should also have one additional day to submit their Reply.

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

Executed this 2<sup>nd</sup> day of April, 2008, at Dallas, Texas.

\_\_\_\_\_  
/s/ J. Andrew Coombs  
J. ANDREW COOMBS

# EXHIBIT A

1 **GAUNTLETT & ASSOCIATES**

James A. Lowe (SBN 214383)

2 [jal@gauntlettlaw.com](mailto:jal@gauntlettlaw.com)

Brian S. Edwards (SBN 166258)

3 [bse@gauntlettlaw.com](mailto:bse@gauntlettlaw.com)

18400 Von Karman, Suite 300

4 Irvine, California 92612

Telephone: (949) 553-1010

5 Facsimile: (949) 553-2050

6 Attorneys for Defendants

7 Akanoc Solutions, Inc., Managed

Solutions Group, Inc., and Steven Chen

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

11 Louis Vuitton Malletier, S.A.,

12 Plaintiff,

14 v.

15 Akanoc Solutions, Inc., Managed Solutions  
Group, Inc., Steven Chen, and Does 1 through  
16 10, inclusive,

17 Defendants.

) Case No.: C 07 3952 JW

) **DEFENDANTS' INITIAL**  
) **DISCLOSURES PURSUANT**  
) **TO FED.R.CIV.P 26(a)(1)**

18  
19 Defendants Akanoc Solutions, Inc., Managed Solutions Group, Inc., and Steven Chen  
20 (collectively "Defendants") hereby provide their initial disclosures to Plaintiff Louis Vuitton  
21 Malletier, S.A. ("LV") pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, based on  
22 the information now reasonably available to them. This initial disclosure statement shall be subject  
23 to further supplementation upon the discovery of relevant information learned during the course of  
24 the litigation between the parties.

25 **A. WITNESSES**

26 Based upon information currently available to Defendants, the individuals listed below  
27 would appear to have information pertinent to this action which Defendants may use to support  
28

1 their claims or defenses. Defendants reserve the right to revise this listing as additional  
2 information becomes available to them.

3  
4 1. Steven Chen, President of Akanoc Solutions, Inc. and Managed Solutions Group,  
5 Inc., 45535 Northport Loop East, Fremont, CA 94538-6458, (888) 589-5589;

6 2. Juliana Luk, Security Dept., Managed Solutions Group, Inc. and Akanoc Solutions,  
7 Inc., 45535 Northport Loop East, Fremont, CA 94538-6458, (888) 589-5589

8 3. Andrew Cheng, Network Management Dept., Managed Solutions Group, Inc. and  
9 Akanoc Solutions, Inc., 45535 Northport Loop East, Fremont, CA 94538-6458, (888) 589-5589

10 4. Investigators hired by LV or its attorneys or agents with knowledge of the alleged  
11 infringement described in the complaint in this action.

12 **B. DOCUMENTS**

13 Defendants may use the following documents in their possession, custody or control to  
14 support their claims or defenses in this action:

15 1. LV's complaint as well as other pertinent non-privileged pleadings, discovery and  
16 documents in this action;

17 2. Correspondence and documents mailed to Defendants or their agents by LV or its  
18 agents in connection with LV's claims in the instant action;

19 3. The standard service agreement and use policy utilized by Akanoc Solutions, Inc.  
20 and Managed Solutions Group, Inc with their customers; and

21 4. Relevant web pages from ARIN.NET and DOMAINTOOLS.COM which set forth  
22 mechanisms for finding contract and registration information for resources registered with ARIN.

23 Defendants will make available for inspection and copying, upon LV's reasonable request,  
24 all of the above non-privileged and non-protected documents in their possession, custody or  
25 control, to the extent the documents are not already in LV's possession, have not been already  
26 produced or are not equally available to LV.

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**C. COMPUTATION OF DAMAGES**

Defendants are not currently seeking any damages from LV except for costs of suit and such other relief that the Court deems just and proper.

**D. INSURANCE POLICIES**

The following insurance policies may provide coverage for the instant action:

1. Commercial General Liability Policy No. PAC 5281196, issued by Great American Insurance Group to Managed Solutions Group, Inc., for the period including 4/15/04 through 4/14/08.

**E. RESERVATIONS**

Defendants' initial disclosures are based upon information currently available to them and are complete and correct to the best of the signer's knowledge as of the time they are made. Defendants reserve the right to revise or supplement their initial disclosures as additional information becomes available.

Dated: December 3, 2007

**GAUNTLETT & ASSOCIATES**

By: 

James A. Lowe  
Brian S. Edwards

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

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-07-3952 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)  
6 years and not a party to the within action; my business address is: Gauntlett & Associates, 18400 Von  
7 Karman, Suite 300, Irvine, California 92612.

8 On December 3, 2007, I served the foregoing document described as: **DEFENDANTS'**  
9 **INITIAL DISCLOSURES PURSUANT TO FED.R.CIV.P 26(A)(1)** on the interested parties in this  
10 action by 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 December 3, 2007, at Irvine, California.

27 Peggy Murray  
28 (Print Name)

  
(Signature)

# EXHIBIT B





**IP Information for 205.209.148.82**

**IP Location:** United States New York Managed Solutions Group Inc

**IP Address:** 205.209.148.82 **W R P D T**

**Reverse IP:** 54 other sites hosted on this server.

**Blacklist Status:** Clear

**Whois Record**

OrgName: Managed Solutions Group, Inc.  
OrgID: MSG-48  
Address: 46750 Fremont Blvd.  
Address: #107  
City: Fremont  
StateProv: CA  
PostalCode: 94538  
Country: US

ReferralServer: rwhois://rwhois.managedsg-inc.com:4321

NetRange: 205.209.128.0 - 205.209.191.255  
CIDR: 205.209.128.0/18  
NetName: NET-MANAGED  
NetHandle: NET-205-209-128-0-1  
Parent: NET-205-0-0-0-0  
NetType: Direct Allocation  
NameServer: RDNS1.MANAGEDSG-INC.COM  
NameServer: RDNS2.MANAGEDSG-INC.COM  
Comment:  
RegDate: 2004-04-15  
Updated: 2006-03-17

RAbuseHandle: ABUSE429-ARIN  
RAbuseName: MSG Inc Abuse  
RAbusePhone: +1-888-585-8889  
RAbuseEmail: abuse@managedsg-inc.com

RTechHandle: MAT48-ARIN  
RTechName: MSG Arin Tech  
RTechPhone: +1-888-585-8889  
RTechEmail: tech@managedsg-inc.com

OrgAbuseHandle: ABUSE429-ARIN  
OrgAbuseName: MSG Inc Abuse  
OrgAbusePhone: +1-888-585-8889  
OrgAbuseEmail: abuse@managedsg-inc.com

OrgTechHandle: MAT48-ARIN  
OrgTechName: MSG Arin Tech  
OrgTechPhone: +1-888-585-8889  
OrgTechEmail: tech@managedsg-inc.com

== Additional Information From rwhois://rwhois.managedsg-inc.com:4321 ==

network:Auth-Area:205.209.128.0/18  
class Name:network

Whois record for 205.209.148.82

network:Organization-Name: Haihua Shao  
network:Organization-City: Shanghai  
network:Organization-State: Shanghai  
network:Organization-Zip: 200437  
network:Description-Usage: customer  
network:Created: 20071120  
network:Updated: 20071120  
network:Updated-By: abuse@managedsg-inc.com

**IP Information for 205.209.138.141****IP Location:** United States New York Managed Solutions Group Inc**IP Address:** 205.209.138.141 **Blacklist Status:** Clear**Whois Record**

OrgName: Managed Solutions Group, Inc.  
OrgID: MSG-48  
Address: 46750 Fremont Blvd.  
Address: #107  
City: Fremont  
StateProv: CA  
PostalCode: 94538  
Country: US

ReferralServer: rwhois://rwhois.managedsg-inc.com:4321

NetRange: 205.209.128.0 - 205.209.191.255  
CIDR: 205.209.128.0/18  
NetName: NET-MANAGED  
NetHandle: NET-205-209-128-0-1  
Parent: NET-205-0-0-0-0  
NetType: Direct Allocation  
NameServer: RDNS1.MANAGEDSG-INC.COM  
NameServer: RDNS2.MANAGEDSG-INC.COM  
Comment:  
RegDate: 2004-04-15  
Updated: 2006-03-17

RAbuseHandle: ABUSE429-ARIN  
RAbuseName: MSG Inc Abuse  
RAbusePhone: +1-888-585-8889  
RAbuseEmail: [abuse@managedsg-inc.com](mailto:abuse@managedsg-inc.com)

RTechHandle: MAT48-ARIN  
RTechName: MSG Arin Tech  
RTechPhone: +1-888-585-8889  
RTechEmail: [tech@managedsg-inc.com](mailto:tech@managedsg-inc.com)

OrgAbuseHandle: ABUSE429-ARIN  
OrgAbuseName: MSG Inc Abuse  
OrgAbusePhone: +1-888-585-8889  
OrgAbuseEmail: [abuse@managedsg-inc.com](mailto:abuse@managedsg-inc.com)

OrgTechHandle: MAT48-ARIN  
OrgTechName: MSG Arin Tech  
OrgTechPhone: +1-888-585-8889  
OrgTechEmail: [tech@managedsg-inc.com](mailto:tech@managedsg-inc.com)

== Additional Information From rwhois://rwhois.managedsg-inc.com:4321 ==

network:Auth-Area:205.209.128.0/18  
network:Class-Name:network  
network:Network-Name:NET-MSG

Whois record for 205.209.138.141

network:IP-Network:205.209.138.141/32  
network:IP-Network-Block:205.209.138.141  
network:Organization-Name:Jun Wang  
network:Organization-City:NanJing  
network:Organization-State:JiangSu  
network:Organization-Zip:210000  
network:Description-Usage:customer  
network:Created:20080402  
network:Updated:20080402  
network:Updated-By: [abuse@manasedsa-inc.com](mailto:abuse@manasedsa-inc.com)





**IP Information for 208.77.47.201**

**IP Location:**  United States New York Akanoc Solutions Inc

**IP Address:** 208.77.47.201 **W R P D T**

**Reverse IP:** 105 other sites hosted on this server.

**Blacklist Status:** Clear

**Whois Record**

OrgName: AKANOC Solutions Inc.  
 OrgID: AKANO  
 Address: 45535 Northport Loop East  
 City: Fremont  
 StateProv: CA  
 PostalCode: 94538  
 Country: US

ReferralServer: rwhois://rwhois.akanoc.com:4321

NetRange: 208.77.40.0 - 208.77.47.255  
 CIDR: 208.77.40.0/21  
 NetName: AKANOC-SJC  
 NetHandle: NET-208-77-40-0-1  
 Parent: NET-208-0-0-0-0  
 NetType: Direct Allocation  
 NameServer: RDNS1.AKANOC.COM  
 NameServer: RDNS2.AKANOC.COM  
 Comment:  
 RegDate: 2007-04-12  
 Updated: 2007-04-12

RAbuseHandle: AAT3-ARIN  
 RAbuseName: AKANOC Arin Tech  
 RAbusePhone: +1-888-589-5589  
 RAbuseEmail: tech@akanoc.com

RNOCHandle: AAT3-ARIN  
 RNOCName: AKANOC Arin Tech  
 RNOCPhone: +1-888-589-5589  
 RNOCEmail: tech@akanoc.com

RTechHandle: AAT3-ARIN  
 RTechName: AKANOC Arin Tech  
 RTechPhone: +1-888-589-5589  
 RTechEmail: tech@akanoc.com

OrgTechHandle: AAT3-ARIN  
 OrgTechName: AKANOC Arin Tech  
 OrgTechPhone: +1-888-589-5589  
 OrgTechEmail: tech@akanoc.com

== Additional Information From rwhois://rwhois.akanoc.com:4321 ==

network:Auth-Area:208.77.40.0/21  
network:Class-Name:network  
network:Network-Name:AKANOCi-SJC  
network:IP-Network:208.77.47.201/32  
network:IP-Network-Block:208.77.47.201  
network:Organization-Name:Alice Chen  
network:Organization-City:XiaMen  
network:Organization-State:FuJian  
network:Organization-Zip:361004  
network:Description-Usage:customer  
network:Created:20080327  
network:Updated:20080327  
network:Updated-By: abuse@akanoc.com

# EXHIBIT C



1 **GAUNTLETT & ASSOCIATES**  
David A. Gauntlett (SBN 96399)  
2 James A. Lowe (SBN 214383)  
jal@gauntlettlaw.com  
3 Brian S. Edwards (SBN 166258)  
bse@gauntlettlaw.com  
4 18400 Von Karman, Suite 300  
Irvine, California 92612  
5 Telephone: (949) 553-1010  
Facsimile: (949) 553-2050

6 Attorneys for Defendants

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**  
10

11 Louis Vuitton Malletier, S.A.,  
12 Plaintiff,  
13 vs.  
14 Akanoc Solutions, Inc., Managed Solutions  
Group, Inc., Steven Chen and Does 1 through  
15 10, inclusive,  
16 Defendants.

) Case No. C 07 3952 JW  
)  
) **DEFENDANT AKANOC SOLUTIONS,**  
) **INC.'S OBJECTIONS TO PLAINTIFF**  
) **LOUIS VUITTON MALLETTIER S.A.'S**  
) **NOTICE OF 30(b)(6) DEPOSITION**  
)  
) Date: March 26, 2008  
) Time: 9:30 a.m.  
) Location: 517 E. Wilson Ave., Suite 202,  
Glendale, CA 91206

1 TO EACH PARTY AND TO EACH ATTORNEY OF RECORD IN THIS ACTION:

2 PLEASE TAKE NOTICE that, pursuant to FRCP Rule 32(d)(1), defendant Akanoc  
3 Solutions, Inc. ("Akanoc") objects to the purported *Notice of 30(b)(6) Deposition to Defendant*  
4 *Akanoc Solutions, Inc.* ("Notice of Deposition") served by mail on plaintiff Louis Vuitton Malletier,  
5 S.A. ("LV") on March 6, 2008.

6 Akanoc objects on each of the following separate grounds:

7 1. The place of deposition was set for Glendale, California. Akanoc's only operations  
8 are located within the Northern District. The presumption that the deposition of a corporation by its  
9 agents and officers should ordinarily be taken at its principal place of business (See *Thomas v.*  
10 *International Business Machines*, 48 F.3d 478, 483 (10<sup>th</sup> Cir. 1995) cannot be overcome given that  
11 Akanoc is a defendant, its sole operations are located within the Northern District, and both counsel  
12 are located in California.

13 2. LV noticed the deposition of Akanoc unilaterally and failed to meet and confer prior  
14 to noticing the deposition as required by Local Rule 30-1. LV's February 4, 2008 letter purporting  
15 to confer concerning the scheduling of depositions proposes that Akanoc be deposed in the first two  
16 weeks of March, 2008. LV then unilaterally noticed Akanoc's deposition for the last week of March  
17 without verifying the date with counsel. Akanoc's designee, Steven Chen, is unavailable to testify  
18 on Akanoc's behalf on March 26, 2008.

19 3. Akanoc objects to designating person(s) to testify on its behalf as to the following  
20 matters listed in the Notice of Deposition:

21 A. "All websites hosted on servers owned, controlled, operated or in the  
22 possession of Defendant or co-Defendants Akanoc Solutions, Inc. and Steven Chen." Akanoc does  
23 not have access to "all websites hosted on" its servers and unless given notice of same is unaware of  
24 the content of websites hosted on its servers. Akanoc will not designate anyone to testify on its  
25 behalf on this topic because such information is not within its knowledge or control.

26 B. "Plaintiff or Plaintiff's copyrights or trademarks which have been identified in  
27 the Complaint." This is not a proper topic for the deposition of Akanoc. Akanoc will not designate  
28 any persons to testify on its behalf on this topic because such information is not within its knowledge

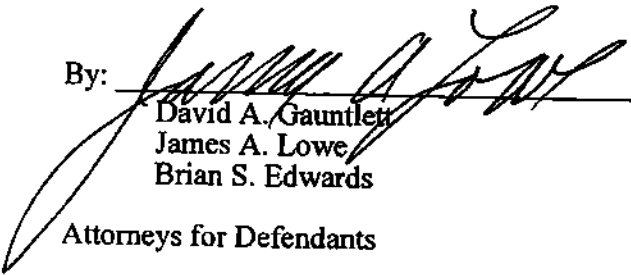
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or control.

C. "All other matters concerning the above-captioned action." This topic fails to comply with the requirement that the matters for examination be described with reasonable particularity. FRCP Rule 30(b)(6). Akanoc will not designate any persons to testify on its behalf as to this topic and further objects to LV asking any questions concerning this topic at the Rule 30(b)(6) deposition of Akanoc.

Dated: March 13, 2008

**GAUNTLETT & ASSOCIATES**

By:   
David A. Gauntlett  
James A. Lowe  
Brian S. Edwards  
Attorneys for Defendants

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 March 13, 2008, I served the foregoing document described as: **DEFENDANT AKANOC SOLUTIONS, INC.'S OBJECTIONS TO PLAINTIFF LOUIS VUITTON MALLETIER S.A.'S NOTICE OF 30(b)(6) DEPOSITION** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

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

13  
14 *Attorneys for Plaintiff*  
*Louis Vuitton Malletier, S.A.*

15  
16  **(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.

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18  
19  **(BY FACSIMILE)** The document was transmitted by facsimile transmission to the above fax numbers with the transmission reported as complete and without error.

20  
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  
23  **(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.

24  
25  **(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.

26 Executed on March 13, 2008, at Irvine, California.

27  
28 Peggy Murray  
(Print Name)

(Signature) 

1 **GAUNTLETT & ASSOCIATES**  
David A. Gauntlett (SBN 96399)  
2 James A. Lowe (SBN 214383)  
jal@gauntlettlaw.com  
3 Brian S. Edwards (SBN 166258)  
bse@gauntlettlaw.com  
4 18400 Von Karman, Suite 300  
Irvine, California 92612  
5 Telephone: (949) 553-1010  
Facsimile: (949) 553-2050

6 Attorneys for Defendants  
7

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

11 Louis Vuitton Malletier, S.A.,  
12 Plaintiff,  
13 vs.  
14 Akanoc Solutions, Inc., Managed Solutions  
Group, Inc., Steven Chen and Does 1 through  
15 10, inclusive,  
16 Defendants.  
17

) Case No. C 07 3952 JW  
)  
) **DEFENDANT MANAGED SOLUTIONS**  
) **GROUP, INC.'S OBJECTIONS TO**  
) **PLAINTIFF LOUIS VUITTON**  
) **MALLETIER S.A.'S NOTICE OF 30(b)(6)**  
) **DEPOSITION**  
)  
) Date: March 25, 2008  
) Time: 9:30 a.m.  
) Location: 517 E. Wilson Ave., Suite 202,  
) Glendale, CA 91206

1 TO EACH PARTY AND TO EACH ATTORNEY OF RECORD IN THIS ACTION:

2 PLEASE TAKE NOTICE that, pursuant to FRCP Rule 32(d)(1), defendant Managed  
3 Solutions Group, Inc. ("MSG") objects to the purported *Notice of 30(b)(6) Deposition to Defendant*  
4 *Managed Solutions Group, Inc.* ("Notice of Deposition") served by mail on plaintiff Louis Vuitton  
5 Malletier, S.A. ("LV") on March 6, 2008.

6 MSG objects on each of the following separate grounds:

7 1. The place of deposition was set for Glendale, California. MSG's only operations,  
8 however, are located within the Northern District. The presumption that the deposition of a  
9 corporation by its agents and officers should ordinarily be taken at its principal place of business  
10 (See *Thomas v. International Business Machines*, 48 F.3d 478, 483 (10<sup>th</sup> Cir. 1995) cannot be  
11 overcome given that MSG is a defendant, its sole operations are located within the Northern District,  
12 and both counsel are located in California.

13 2. LV noticed the deposition of MSG unilaterally and failed to meet and confer prior to  
14 noticing the deposition as required by Local Rule 30-1. LV's February 4, 2008 letter purporting to  
15 confer concerning the scheduling of depositions proposes that MSG be deposed in the first two  
16 weeks of March, 2008. LV then unilaterally noticed MSG's deposition for the last week of March  
17 without verifying the date with counsel. MSG's designee, Steven Chen, is unavailable to testify on  
18 MSG's behalf on March 25, 2008.

19 3. MSG sought to take and noticed the deposition of plaintiff's Rule 30(b)(6)  
20 designee(s) prior to this deposition of MSG. The defendant is entitled to complete the deposition of  
21 plaintiff's witness before MSG is deposed under Rule 30(b)(6).

22 4. MSG objects to designating person(s) to testify on its behalf as to the following  
23 matters listed in the Notice of Deposition:

24 A. "All websites hosted on servers owned, controlled, operated or in the  
25 possession of Defendant or co-Defendants Akanoc Solutions, Inc. and Steven Chen." MSG does not  
26 have access to "all websites hosted on" its servers and unless given notice of same is unaware of the  
27 content of websites hosted on its servers. MSG cannot and will not designate anyone to testify on its  
28 behalf on this topic because the information is not within its knowledge or control.

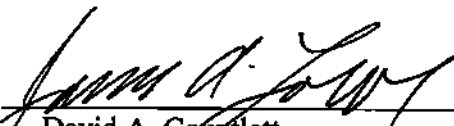
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B. "Plaintiff or Plaintiff's copyrights or trademarks which have been identified in the Complaint." This is not a proper topic for the deposition of MSG. MSG will not designate any persons to testify on its behalf on this topic because such information is not within its knowledge or control.

C. "All other matters concerning the above-captioned action." This topic fails to comply with the requirement that the matters for examination be described with reasonable particularity. FRCP Rule 30(b)(6). MSG will not designate any persons to testify on its behalf as to this topic and further objects to LV asking any questions concerning this topic at the Rule 30(b)(6) deposition of MSG.

Dated: March 13, 2008

**GAUNTLETT & ASSOCIATES**

By:   
David A. Gauntlett  
James A. Lowe  
Brian S. Edwards  
Attorneys for Defendants

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 March 13, 2008, I served the foregoing document described as: **DEFENDANT MANAGED SOLUTIONS GROUP, INC.'S OBJECTIONS TO PLAINTIFF LOUIS VUITTON MALLETTIER S.A.'S NOTICE OF 30(b)(6) DEPOSITION** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

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

14 *Attorneys for Plaintiff*  
*Louis Vuitton Malletier, S.A.*

- 15  (BY MAIL) I am "readily familiar" with the firm's practice of collection and processing  
16 correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service  
17 on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course  
18 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.
- 19  (BY FACSIMILE) The document was transmitted by facsimile transmission to the above fax  
20 numbers with the transmission reported as complete and without error.
- 21  (BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION) I caused the document  
22 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.
- 23  (BY UPS NEXT DAY AIR) I caused such package to be deposited with the UPS Drop Box  
24 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.
- 25  (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at  
26 whose direction the service was made.

27 Executed on March 13, 2008, at Irvine, California.

28 Peggy Murray  
(Print Name)

(Signature) 



**PROOF OF SERVICE**

I, Ken Shope, certify and declare

I am over the age of 18 years, employed in the County of Los Angeles, State of California and my business address is: 3950 Verdugo View Drive, Los Angeles, California 90065

On April 2, 2008, I served a copy via hand delivery of the enclosed:

**OPPOSITION TO DEFENDANTS' MOTION TO COMPEL THE DEPOSITION OF  
PLAINTIFF LOUIS VUITTON MALLETTIER, S.A.**

on the following:

James A. Lowe, Esq.  
Brian S. Edwards, Esq.  
Gauntlett & Associates  
18400 Von Karman Ave., Suite 300  
Irvine, California 92612

I delivered by hand the:

**OPPOSITION TO DEFENDANTS' MOTION TO COMPEL THE DEPOSITION OF  
PLAINTIFF LOUIS VUITTON MALLETTIER, S.A.**

to the above referenced addressee.

Executed on April 2, 2008 at Los Angeles, California.

Ken Shope

Ken Shope