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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

Louis Vuitton Malletier, S.A.,	Case No.: C 07 3952 JW
Plaintiff,	Hon. Magistrate Judge Howard R. Lloyd
v.	SUPPLEMENTAL DECLARATION OF J. ANDREW COOMBS IN SUPPORT OF MOTION TO COMPEL PRODUCTION
Akanoc Solutions, Inc., et al.	
Defendants.	Date: April 29, 2008
	Time: 10:00 a.m.
	Courtroom 2, 5th Floor

I, J. Andrew Coombs, declare as follows:

1.   I am an attorney at law duly admitted to practice before the Courts of the Northern District of California. I am counsel of record for Plaintiff Louis Vuitton Malletier, S.A. ("Louis Vuitton") in the above-captioned matter. Except as otherwise 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.   As set forth in the underlying motion, I caused to be served document production requests on behalf of Louis Vuitton in the above-captioned matter. Among the documents and electronic records requested were those relating to services provided by the corporate Internet Service Provider defendants herein (collectively the "ISP Defendants") particularly as those records relate to a number of websites identified by Louis Vuitton as engaged in the sale of counterfeit Louis Vuitton branded merchandise.
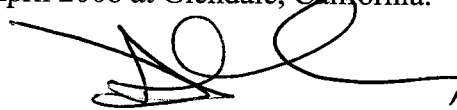
3.   While Louis Vuitton and the ISP Defendants were unable to agree on all issues relevant to those requests, I examined defendant Steven Chen about a CPRO database identified in some email records that were produced by Defendants. Thereafter, Defendants produced for the first time, a redacted portion of the CPRO database on April 9, 2008 evidencing the various server packages sold by them during the relevant timeframe and the Internet Protocol addresses assigned by the ISP Defendants to each of those packages. The information produced was incomplete as it did not include service records, for example.

4.   On or about April 23, 2008, defense counsel provided a CD-ROM reportedly containing the service log entries relating to the CPRO database. At the time, defense counsel reported that it contained approximately 90,000 entries.

5.   Louis Vuitton has not been able to review those records in detail, but a quick review contradicts the ISP Defendants' assertion that they do not and cannot access the content on their servers. A search for the word "Password" over a one month period in May, 2007, yielded – examples where the ISP Defendants reset the passwords – in many cases after "unplugging" a server so that the ISP Defendants could inspect content on the server. A redacted copy (deleting assigned passwords) of entries with the Password in May, 2007 is attached hereto as Exhibit A. The Exhibit A entries do not include those where the ISP Defendants set a password upon activation of a server (of which there are additional examples during the relevant timeframe).

6.   A similar result follows if the word "inspect" is search and a similar set of search results for May, 2007 is attached as Exhibit B. Significantly, the word counterfeit does not appear in the Defendants service log until about one month after the instant lawsuit was filed.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed the 28th day of April 2008 at Glendale, California.

_____

J. ANDREW COOMBS

Exhibit A

2007-05-04 23:00:13';'CUST-35549';'#112876 Administrator\ s password reset to ███ but cannot be reset to any new password, KVM connected for customer to reset the login password.

2007-05-04 23:56:16';'CUST-36682';'#112873/112875 OS restore to FreeBSD 6.2, admin/root password reset to ██████.

2007-05-05 02:45:18';'CUST-36682';'112873 password reset:████████

2007-05-06 09:23:58';'CUST-36611';'112963 reset password:███████

2007-05-08 14:54:50';'CUST-34201';'#113095 reset password and reboot

2007-05-12 01:20:47';'CUST-36733';'113343 enter extra IP: 204.13.64.151-.152 and password█████

2007-05-13 09:55:10';'CUST-36398';'Auto: Cancel reason: per cust, Status changed from Active, to Canceled, canceled_relocated changed from , to 05/13/2007 by john'

2007-05-13 10:11:13';'CUST-34695';'113449 reset password:████████
'

2007-05-14 18:27:10';'CUST-36267';'#113567 password reset to:█████and temp replug for content inspection

2007-05-14 18:27:14';'CUST-36668';'#113567 password reset to:█████and temp replug for content inspection

2007-05-14 20:47:11';'CUST-35053';'unplug due to fraud bank of american site, password phishing, verified, sent notice, but no response from customer.

2007-05-16 04:45:41';'CUST-36769';'113661 reset password

2007-05-16 04:45:41';'CUST-36769';'113661 reset password

2007-05-18 13:47:31';'CUST-36796';'VZCC login info
username:██████
password:██████
'

2007-05-18 16:39:02';'CUST-36436';'password reset to ████████for investigation'

2007-05-20 12:42:50';'CUST-36069';'113942 password reset:███████

2007-05-25 20:15:12';'CUST-36852';'#114237 provide administrator\ s password to the customer.

2007-05-30 10:42:39';'CUST-36873';'#114504 reset password to████████

Exhibit B

'2007-05-07 12:10:32';'CUST-32597';'113055 replugged for content inspection'

'2007-05-16 15:55:09';'CUST-36618';'#113694 Server replugged per Steve for content inspection.

'2007-05-16 16:04:55';'CUST-36618';'#113694 Inspection done. Adult Content. Unplug again.

'2007-05-23 12:20:54';'CUST-35482';'#114118 Server replugged for content inspection.'

'2007-05-23 12:44:18';'CUST-35482';'#114118 Server unplugged again after content inspection. Liu He club content.

'2007-06-06 08:07:17';'CUST-36823';'114966 replugged per content inspection'

'2007-06-06 08:35:16';'CUST-36823';'114969 remove the block on IP: 205.209.157.146 for content inspection'

PROOF OF SERVICE

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of Los Angeles, and not a party to the above-entitled cause. I am employed by a member of the Bar of the United States District Court of California. My business address is 517 E. Wilson Ave., Suite 202, Glendale, California 91206.

On April 28, 2008, I served on the interested parties in this action with the:

SUPPLEMENTAL DECLARATION OF J. ANDREW COOMBS IN SUPPORT OF MOTION TO COMPEL PRODUCTION

for the following civil action:

Louis Vuitton Malletier S.A. v. Akanoc Solutions, Inc., et al.

by placing a true copy thereof in an envelope to be immediately sealed thereafter. I am readily familiar with the office's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the United States Postal Service on the same day with postage thereon fully prepaid at Glendale, California in the ordinary course of business. I am aware that on motion of the party served, service presumed invalid if postal cancellation date or postage meter is more than one day after date of deposit for mailing in affidavit.

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

Place of Mailing: Glendale, California
Executed on April 28, 2008, at Glendale, California.

_____
Katrina Bartolome