

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MX1 LTD.,  
Plaintiff,  
v.  
DOES 1 -10,  
Defendant.

Case No. [5:17-cv-02540-HRL](#)

**ORDER DENYING MOTION FOR  
EXPEDITED DISCOVERY**

Re: Dkt. No. 7

Plaintiff MX1 Ltd. (MX1), an Israeli corporation, seeks leave to conduct expedited discovery from Twitter, Inc. (Twitter) to ascertain the identities of Doe defendants. MX1 alleges that, through a Twitter account, defendants used its mark and logo, disclosed company confidential information and trade secrets, and posted misleading information about the company.

As MX1 acknowledges, to establish good cause for such discovery plaintiff must (among other things) identify the defendants with sufficient specificity such that the court can determine that they are real persons or entities who would be subject to jurisdiction in this court. Here, MX1 says that it believes defendants are not located in the United States. Nevertheless, citing Yahoo!, Inc. v. La Ligue Contre Le Racisme Et L'Antisemitisme, 433 F.3d 1199 (9th Cir. 2006), plaintiff contends that this court properly may exercise personal jurisdiction over defendants based on their Twitter account because Twitter and its servers are located in this district. In Yahoo!, Inc., the

1 Ninth Circuit applied the so-called Calder<sup>1</sup> effects test for personal jurisdiction, which “focuses on  
2 the forum in which the defendant’s actions were felt, whether or not the actions themselves  
3 occurred within the forum.” Id. at 1206. Under Ninth Circuit law, Calder “impose[s] three  
4 requirements: the defendant allegedly [must] have (1) committed an intentional act, (2) expressly  
5 aimed at the forum state, (3) causing harm that the defendant knows is likely to be suffered in the  
6 forum state.” Id. (citation omitted).

7 MX1 alleges that it does business in and with at least one entity in this district. (Dkt. 1  
8 Complaint at ¶ 5). But, the record presented indicates that neither plaintiff nor defendants are  
9 located here. Absent a better factual and legal showing for this court’s exercise of personal  
10 jurisdiction over defendants, plaintiff’s motion for expedited discovery is denied without  
11 prejudice.

12 SO ORDERED.

13 Dated: May 31, 2017

  
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HOWARD R. LLOYD  
United States Magistrate Judge

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<sup>1</sup> Calder v. Jones, 465 U.S. 783, 104 S. Ct. 1482, 79 L.Ed.2d 804 (1984).

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5:17-cv-02540-HRL Notice has been electronically mailed to:

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