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10 Apple Computer, Inc.

FILED
2004 DEC 14 AM 6:44
KIRI TORRES, CEO
SUPERIOR COURT OF CA.
CO. OF SANTA CLARA
BY J. PAURA DEPUTY

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SANTA CLARA

13 Apple Computer, Inc.,

14 Plaintiff,

15 v.

16 Doe 1, an unknown individual, and Does
17 2-25, inclusive,

18 Defendants.

Case No. 104 CV 032178

~~PROPOSED~~ ORDER GRANTING
EX PARTE APPLICATION FOR
DISCOVERY AND ISSUANCE OF
COMMISSIONS

19 Based on the *ex parte* application of Plaintiff Apple Computer, Inc.
20 (“Apple”), the supplement to that application, and all supporting papers, and good cause
21 appearing,

22 IT IS HEREBY ORDERED that Apple’s request for discovery is granted
23 and that Apple is authorized to serve subpoenas, whether through use of commissions or
24 in-state process, on Powerpage.org, Appleinsider.com, and Thinksecret.com for
25 documents that may lead to the identification of the proper defendant or defendants in this
26 action. Specifically, Apple is authorized to:

- 27 (a) serve subpoenas on Powerpage.com, Appleinsider.com, and
28 Thinksecret.com requiring each to produce all documents relating to any information
posted on its site relating to an unreleased Apple product code named “Asteroid” or
“Q97”(the “Product”);

1 (b) serve subpoenas on Powerpage.org requiring it to produce all documents
2 relating to the identity of any individual or individuals who have knowledge regarding the
3 source of posts on its site disclosing information about the Product, including but not
4 limited to "Jason O'Grady," "Bob Borries," "Dr. Teeth and the Electric Mayhem," and
5 individuals who received and/or edited any information related to the Product;

6 (c) serve subpoenas on Appleinsider.com requiring it to produce all
7 documents relating to the identity of any individual or individuals who have knowledge
8 regarding the source of posts on its site disclosing information about the Product,
9 including but not limited to "Kasper Jade," "Paul Scates," and individuals who received
10 and/or edited any information related to the Product; and

11 (d) serve subpoenas on Thinksecret.com requiring it to produce all
12 documents relating to the identity of any individual or individuals who have knowledge
13 regarding the source of posts on its site disclosing information about the Product,
14 including but not limited to "Mac+," "pscates2.0," and individuals who received and/or
15 edited any information related to the Product.

16
17 DATED: December 14, 2004

18 SF1:570027.2

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20 JUDGE OF THE SUPERIOR COURT

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WILLIAM J. ELFVING