

FILED

FEB -4 2005

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CHIEF CLERK
SUPERIOR COURT OF CA
COUNTY OF SANTA CLARA
BY *C. Pinacate*
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11 Attorneys for Plaintiff
12 Apple Computer, Inc.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SANTA CLARA

11 Apple Computer, Inc.,

12 Plaintiff,

13 v.

14 Doe 1, an unknown individual, and Does
15 2-25, inclusive,

16 Defendants.

Case No. 104-cv-032178

~~PROPOSED~~ ORDER GRANTING
EX PARTE APPLICATION FOR
AN ORDER GRANTING LEAVE TO
SERVE EXPEDITED DISCOVERY
ON NFOX.COM AND KARL KRAFT

17 Based on the *ex parte* application of Plaintiff Apple Computer, Inc.
18 (“Apple”), and good cause appearing,

19 IT IS HEREBY ORDERED that Apple’s request for discovery is granted
20 and that Apple is authorized to serve subpoenas, whether through the use of commissions
21 or in-state process, on Nfox.com and Karl Kraft seeking the following information:

22 All documents relating to the identity of any person or entity who
23 supplied information regarding an unreleased Apple product code-named
24 “Asteroid” or “Q97” (the “Product”), including postings that appeared on
25 Powerpage.com (the “Website”) on November 19, November 22,
26 November 23, and November 26, 2004. These documents include:

27 (a) all documents identifying any individual or individuals who
28 provided information relating to the Product (“Disclosing Person(s)”),

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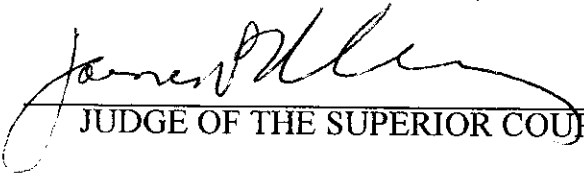
including true name(s), address(es), internet protocol (“IP”) address(es),
and e-mail address(es);

(b) all communications from or to any Disclosing Person(s)
relating to the Product;

(c) all documents received from or sent to any Disclosing
Person(s) relating to the Product; and

(d) all images, including photographs, sketches, schematics and
renderings of the Product received from or sent to any Disclosing Person(s).

DATED: February 1, 2005


JUDGE OF THE SUPERIOR COURT

SF1:569530.3