

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

USA TECHNOLOGIES, INC.	:	
Plaintiff,	:	CIVIL ACTION NO.
	:	
v.	:	NO.: 09-3899
	:	
JOHN DOE AND JANE DOE	:	
ANONYMOUS INTERNET WEBSITE	:	
BLOGGERS OPERATING AS	:	
MICHAEL_MOORE_IS_FAT AND	:	
STOKKLERK	:	
Defendants.	:	

USA TECHNOLOGIES, INC.'S REPORT SUBMITTED IN ACCORDANCE WITH
FEBRUARY 18, 2010 ORDER

Pursuant to the Honorable Jan E. DuBois's Order dated February 18, 2010, USA Technologies, Inc. (hereinafter "USAT") respectfully requests that the above captioned matter not be dismissed as there are still pending issues to be resolved.

USAT originally filed a complaint in the above captioned matter against Defendants John Doe and Jane Doe, anonymous website bloggers operating as "Michael_moore_is_fat" and "Stokklerk". USAT did not and still does not know the identities of the individual(s) posting under the names "Michael_moore_is_fat" and "Stokklerk". USAT can only learn the identities by obtaining information initially from Yahoo! Inc.

After filing a Motion for Issuance of Subpoenas *Duces Tecum* Directed to Yahoo! Inc. prior to F.R.C.P.26(f) Conference, and this Court's Order granting the Motion, USAT served a subpoena on

Yahoo! Inc. in order to learn identifying information for "Michael_moore_is_fat" and "Stokklerk".

On October 15, 2009, Stokklerk filed a Motion to Quash the Subpoena in the United States District Court for the Northern District of California, San Francisco Division, case number CV 09-80275 MISC (SI) ("California federal action"). Michael_Moore_is_fat has not filed any opposition to the subpoena seeking information concerning his/her identity, but Yahoo! Inc. refused to provide any information to USAT about both Stokklerk and Michael_Moore_is_fat while Stokklerk's Motion to Quash is pending.

A hearing in the California federal action was held on December 18, 2009 before the Honorable Susan Illston, and while a Minute Entry was entered, the Minute entry indicated a further Order would be prepared by Judge Illston. To date, no further Order has been entered by Judge Illston. There has been no final disposition relating to the Subpoena requesting information for Stokklerk.

There is no objection to the Subpoena directed to Yahoo! Inc. insofar as information is sought for Michael_Moore_is_fat, but Yahoo! Inc. has not yet provided any identifying information for Michael_Moore_is_fat.

As there are still pending issues, USAT respectfully requests

the above-captioned matter not be dismissed.

LURIO & ASSOCIATES, P.C.

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