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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 COSTAR GROUP, INC. AND COSTAR
12 REALTY INFORMATION, INC., a Delaware
corporation,

13 Plaintiff,

14 v.

15 LOOPNET INC., a California corporation,

16 Defendant.
17

Case No. CV 05-80294-Misc. VRW

**LOOPNET'S RESPONSE TO COSTAR
GROUP, INC.'S SUBPOENA PURSUANT
TO 17 U.S.C. § 512(H)**

18 Pursuant to Rule 45 of the Federal Rules of Civil Procedure, LoopNet, Inc. hereby
19 responds to CoStar Group, Inc.'s December 16, 2005 Subpoena ("Subpoena") as follows:

20 **GENERAL OBJECTIONS**

21 1. LoopNet objects to the Subpoena to the extent that it purports to impose any
22 requirement or discovery obligation on LoopNet other than those set forth in the Federal Rules of
23 Civil Procedure and the applicable rules of this Court.

24 2. LoopNet objects to the Subpoena on the grounds that the application of 17 U.S.C.
25 §512(h) outside of a pending case or controversy violates Article III of the Constitution of the
26 United States.

PROOF OF SERVICE

I, Angela Rodriquez declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of 18 years and am not a party to the within action. My business address is Perkins Coie LLP, 180 Townsend Street, 3rd Floor, San Francisco, California 94107-1909. I am personally familiar with the business practice of Perkins Coie LLP. On January 10, 2006, I served the following document(s):

**LOOPNET'S RESPONSE TO DEFENDANT COSTAR GROUP, INC.'S
SUBPOENA IN A CIVIL CASE**

by placing a true copy thereof enclosed in a sealed envelope addressed to the following parties:

Coblentz Patch Duffy & Bass
One Ferry Building, Ste 200
San Francisco, CA 94111
Attn: Zuzana J. Svihra

(By Overnight Courier) I caused each envelope, with postage fully prepaid, to be sent by Western Messenger.

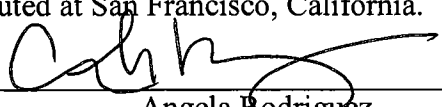
(By Mail) I caused each envelope with postage fully prepaid to be placed for collection and mailing following the ordinary business practices of Perkins Coie LLP.

(By Hand) I caused each envelope to be delivered by hand to the offices listed above.

(By Facsimile/Telecopy) I caused each document to be sent by Automatic Facsimile/Telecopier to the number(s) indicated above.

I declare under penalty of perjury under the laws of the United States that the above is true and correct and that this declaration was executed at San Francisco, California.

DATED: January 10, 2006



Angela Rodriguez