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Attorneys for Defendant
LOOPNET INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

COSTAR GROUP, INC. AND COSTAR REALTY INFORMATION, INC., a Delaware corporation, Plaintiff, v. LOOPNET INC., a California corporation, Defendant.	Case No. CV 05-80294-Misc. VRW **LOOPNET'S RESPONSE TO COSTAR GROUP, INC.'S SUBPOENA PURSUANT TO 17 U.S.C. § 512(H)**

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

GENERAL OBJECTIONS

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

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

3. LoopNet objects to the Subpoena on the grounds that its issuance unconstitutionally invades the power of the judiciary.

4. LoopNet objects to the Subpoena to the extent that it and the statute on which it is based violate the Due Process Clause of the Constitution of the United States.

5. LoopNet objects to the Subpoena on the grounds and to the extent that it violates the First Amendment rights of LoopNet users.

SPECIFIC OBJECTIONS

REQUEST FOR PRODUCTION NO. 1:

Information sufficient to identify the individual(s) infringing CoStar's copyrights in photographs listed in the accompanying DMCA notification by uploading or downloading CoStar's photographs, as specified in Schedule A.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

LoopNet objects to this Request on the grounds that it is vague and ambiguous. LoopNet further objects to this Request on the grounds that it is overly broad, unduly burdensome and oppressive. LoopNet also objects to this Request to the extent that it seeks information that is already in CoStar's possession. LoopNet further objects to to this Request to the extent that it purports to require LoopNet to produce documents in violation of a legal or contractual obligation of non-disclosure to a third party. LoopNet also objects to this Request on the grounds that it is compound.

Without waiving and subject to these objections, LoopNet will produce documents sufficient to identify the individual(s) who uploaded or downloaded the photographs listed in Schedule A, to the extent such documents exist.

DATED: January 10, 2006

PERKINS COIE LLP

By _____

Lila I. Bailey

Attorneys for Defendant
LOOPNET

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