

COBLENTZ, PATCH, DUFFY & BASS LLP
ONE FERRY BUILDING, SUITE 200, SAN FRANCISCO, CA 94111-4213
(415) 391-4800 • FAX (415) 989-1663

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JEFFREY G. KNOWLES (State Bar #129754)
GONZALO C. MARTINEZ (State Bar #231724)
COBLENTZ, PATCH, DUFFY & BASS LLP
One Ferry Building, Suite 200
San Francisco, California 94111-4213
Telephone: (415) 391-4800
Facsimile: (415) 989-1663

STEVEN B. FABRIZIO (pro hac vice application pending)
THOMAS J. PERRELLI (pro hac vice application pending)
MATTHEW S. HELLMAN (pro hac vice application pending)
JENNER & BLOCK LLP
601 13th Street NW
Washington, D.C., 20005
Telephone: (202) 639-6000
Facsimile: (202) 661-4983

Attorneys for CoStar Group, Inc. and
CoStar Realty Information, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:
LOOPNET, INC.
Subpoena Enforcement Matter

MISCELLANEOUS ACTION
Case No. CV 05-80294 - Misc. VRW (JL)

COSTAR GROUP, INC., a Delaware corporation
and COSTAR REALTY INFORMATION, INC., a
Delaware corporation

**DECLARATION OF THOMAS J.
PERRELLI**

Date: June 28 2006
Time: 9:30 a.m.
Courtroom: F, 15th Floor

vs.

LOOPNET, INC., a California corporation

1 1. My name is Thomas J. Perrelli. I am the managing partner of the Washington
2 D.C. office of Jenner & Block LLP. The statements in this Declaration are truthful and are made
3 knowingly and voluntarily.

4 2. I have been retained by CoStar Group, Inc (CoStar) to assist it in bringing legal
5 challenges against individuals who illegally upload and download CoStar's photographic intellectual
6 property to and from the website of LoopNet, Inc. (LoopNet).

7 3. In the fall of 2005, CoStar discovered some 1,700 of its copyrighted photographs
8 were posted illegally on LoopNet's website. On October 28, 2005, CoStar sent LoopNet a notification
9 of these infringements, accompanied by 4,000 pages of documenting evidence. LoopNet took no action
10 in response to this notification.

11 4. On December 27, 2005, I requested and obtained a subpoena on behalf of CoStar
12 from the Clerk of Court of the Northern District of California under the provisions of the Digital
13 Millennium Copyright Act. 17 U.S.C. § 512(h).

14 5. The terms of the subpoena required LoopNet to provide information sufficient to
15 identify individuals who had infringed CoStar's copyrights by illegally downloading or uploading
16 CoStar's photographs from or to LoopNet's website. Attached as Ex. 1. As required by statute,
17 CoStar's request was accompanied by a detailed list of the infringing material found on LoopNet's
18 website.

19 6. CoStar initially gave LoopNet an extension to respond to the subpoena. After
20 further delays, LoopNet responded to the subpoena, but only by sending back to CoStar the
21 documentation that Costar had sent LoopNet with its original October notice.

22 7. Dissatisfied with this response, I sent a letter to LoopNet on January 23, 2006,
23 stating that LoopNet's answer was unacceptable under the terms of the subpoena. Attached as Ex. 2.
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