

1 KENNETH B. WILSON, State Bar No. 130009  
kwilson@perkinscoie.com  
2 LILA I. BAILEY, State Bar No. 238918  
lbailey@perkinscoie.com  
3 PERKINS COIE LLP  
180 Townsend Street, Third Floor  
4 San Francisco, California 94107-1909  
Telephone: (415) 344-7000  
5 Facsimile: (415) 344-7050

6 Attorneys for Defendant  
LOOPNET INC.

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.



1 PROOF OF SERVICE

2 I, Angela Rodriquez declare:

3 I am a citizen of the United States and am employed in the County of San Francisco, State  
4 of California. I am over the age of 18 years and am not a party to the within action. My business  
5 address is Perkins Coie LLP, 180 Townsend Street, 3rd Floor, San Francisco, California 94107-  
6 1909. I am personally familiar with the business practice of Perkins Coie LLP. On January 10,  
7 2006, I served the following document(s):

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

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

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

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

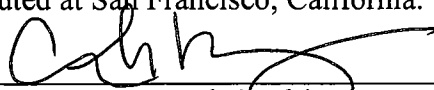
17  (By Mail) I caused each envelope with postage fully prepaid to be placed for collection  
18 and mailing following the ordinary business practices of Perkins Coie LLP.

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

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

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

24 DATED: January 10, 2006

25   
26 \_\_\_\_\_  
27 Angela Rodriguez