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10 IN THE UNITED STATES DISTRICT COURT FOR THE
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 BOY RACER, INC.,)
14 Plaintiff,)
15 v.)
16 JOHN DOE,)
17 Defendant.)

18 **Case No. 11-CV-5628 MMC**

19 **ORDER GRANTING PLAINTIFF’S**
20 **APPLICATION FOR LEAVE TO TAKE**
21 **EXPEDITED DISCOVERY TO IDENTIFY**
22 **JOHN DOE AS MODIFIED**

23 The Court has reviewed the Plaintiff’s Application for Leave to Take Expedited Discovery to
24 Identify John Doe, and the relevant case law.

25 Based upon the foregoing review, the Plaintiff’s Application for Leave to Take Expedited
26 Discovery to Identify John Doe is **GRANTED** as follows:

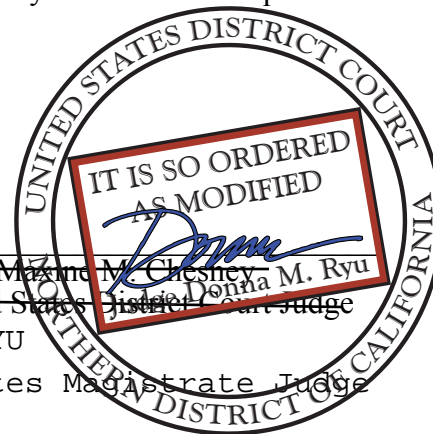
- 27 1. Plaintiff may immediately serve a deposition subpoena on Samuel Teitelbaum
28 (“Teitelbaum”). The deposition shall not exceed four hours.
2. If Teitelbaum’s deposition testimony does not reveal the infringer’s identity, or at least
allow Plaintiff to name the Doe Defendant in this matter, then Plaintiff should direct any
further discovery requests at this Court, and specifically brief the Court on how proposed
further discovery may lead to Plaintiff identifying the Doe Defendant.
3. If Teitelbaum’s deposition testimony sufficiently enables Plaintiff to name a Doe
Defendant in this case, Plaintiff shall do so.

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- 4. Any information disclosed to the Plaintiff in response to a Rule 45 subpoena may be used by the Plaintiff solely for the purpose of protecting Plaintiff's rights as set forth in its Complaint.
- 5. If Teitelbaum wishes to move to quash any subpoena issued pursuant to this Order, he must do so within 10 days of being served with the subpoena.
- 6. Teitelbaum shall preserve any information, tangible thing, or ESI related to the subpoenas issued under this Order pending the resolution of any timely-filed motion to quash.

IT IS SO ORDERED.

Dated: January 13, 2012



~~Maxine M. Chesney~~
~~United States District Court Judge~~
 DONNA M. RYU
 United States Magistrate Judge