

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Action Case No. <u>1:13-cv-06312</u>
)	
v.)	
)	
JOHN DOE subscriber assigned IP address)	
24.14.81.195,)	
)	
Defendant.)	
_____)	

**PLAINTIFF’S SUPPLEMENTAL RESPONSES TO DEFENDANT’S REISSUED
SIXTH SET OF INTERROGATORIES**

Plaintiff, MALIBU MEDIA, LLC, responds to Defendant’s Sixth Set of Interrogatories served November 13, 2014, as follows:

STATEMENT OF WILLINGNESS TO COOPERATE

Counsel for Plaintiff is prepared to discuss with counsel for Defendant the objections set forth below for the purpose of resolving any disputes that may arise over the responses to the interrogatories without the need for intervention by the Court.

**PLAINTIFF'S RESPONSES TO DEFENDANT'S REISSUED
SIXTH SET OF INTERROGATORIES**

23. REISSUED: Identify the individual(s) at Malibu Media, LLC responsible for providing the information or documents needed to respond to each and every discovery request (interrogatories, requests for production, and requests to admit) issues in this matter in the past, present, or in the future, as well as any persons consulted by the aforementioned individual in responding to the discovery request. For the sake of clarity, please list the aforementioned individual and persons separately for each discovery request.

Response to Interrogatory No. 23: Plaintiff reincorporates all previously made objections to all of Defendant's previously served interrogatories, requests for production, and requests to admit. Notwithstanding the foregoing objection, Colette Field is responsible for providing the information and documents needed to respond to any discovery request thus far in this litigation. Plaintiff consults its attorneys regarding the responses to discovery requests. All communication between Plaintiff and its attorneys are protected by attorney-client privilege.

24. REISSUED: Please confirm that use of the term *bit* in ¶3 of p. 3 of the Complaint is synonymous with the term *piece* as it is utilized in the current BitTorrent Protocol Specification (Available for reference at http://www.bittorrent.org/beps/bep_0003.html) in that it refers to an individual piece of a file, acknowledging that, for the purposes of BitTorrent protocol transfer, files are split into fixed-size pieces which are all the same length, except for possibly the last one which may be truncated. If the same cannot be confirmed, please explain and define, with particularity, the meaning of the word *bit* as utilized in the aforementioned portion of the Complaint with references.

Response to Interrogatory No. 24: The term *bit* in ¶3 of p. 3 of the Complaint is synonymous with the term *piece* as it is utilized in the current BitTorrent Protocol Specification in that it refers to an individual piece of a file.

25. REISSUED 25 (formerly 27). Please refer to your Corrected Fed. R. Civ. P. 26(a) Disclosures, as served on February 12, 2014. In the portion dedicated to Rule 26(a)(ii) disclosure, Malibu states that it has "copies as reassembled from the pieces sent by the peer infringers" in its "possession, custody, or control." Please identify each and every piece received

from Doe's IP address (by reference to (i) Hit Date UTC, Hash value, and File Name), which Malibu, or its agents/investigators actually used in the reassembly of the Works, so as to create the copies of the Works as listed in Exhibit A to the Complaint.

Response to Interrogatory No. 25: Plaintiff objects on the basis that this request is neither relevant nor likely to lead to the discovery of admissible evidence. Indeed, copying even a small piece or portion of a copyrighted work can constitute infringement. Notwithstanding the foregoing objection and without waiving same, Plaintiff already produced the MySQL log file which lists each hit date and file name for every transaction (as of the time of the filing of Plaintiff's Complaint) between Defendant's IP address and Excipio's server. Excipio is in possession, custody, or control of the hash value for each piece received from Defendant's IP address. Nevertheless, Plaintiff will produce this information. This information is attached in Excel form and titled "24.14.81.195_full_log_with_datahash".

DECLARATION

PURSUANT TO 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 24th day of December, 2014

COLETTE PELISSIER FIELD

By: _____

from Doe's IP address (by reference to (i) Hit Date UTC, Hash value, and File Name), which Malibu, or its agents/investigators actually used in the reassembly of the Works, so as to create the copies of the Works as listed in Exhibit A to the Complaint.


Response to Interrogatory No. 25: Plaintiff objects on the basis that this request is neither relevant nor likely to lead to the discovery of admissible evidence. Indeed, copying even a small piece or portion of a copyrighted work can constitute infringement. Notwithstanding the foregoing objection and without waiving same, Plaintiff already produced the MySQL log file which lists each hit date and file name for every transaction (as of the time of the filing of Plaintiff's Complaint) between Defendant's IP address and Excipio's server. Excipio is in possession, custody, or control of the hash value for each piece received from Defendant's IP address. Nevertheless, Plaintiff will produce this information. This information is attached in Excel form and titled "24.14.81.195_full_log_with_datahash".

DECLARATION

PURSUANT TO 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 24th day of December, 2014

COLETTE PELISSIER FIELD

By: 

Dated: December 12, 2014

Supplemented: December 24, 2014

Respectfully submitted,

NICOLETTI LAW, PLC

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CERTIFICATE OF SERVICE

I hereby certify that on December 24, 2014, a true and correct copy of the foregoing document was served via U.S. Mail and/or email to the following:

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By: /s/ Paul J. Nicoletti
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