

1 D. Gill Sperlein (SBN 172887)
 2 THE LAW OFFICE OF D. GILL SPERLEIN
 3 345 Grove Street
 4 San Francisco, California 94102
 5 Telephone: (415) 404-6615
 6 Facsimile: (415) 404-6616
 7 gill@sperleinlaw.com
 8
 9 Attorney for Plaintiff Celestial, Inc.

10 **UNITED STATES DISTRICT COURT**
 11 **CENTRAL DISTRICT OF CALIFORNIA**
 12 **WESTERN DIVISION**

13 CELESTIAL, INC,

14 Plaintiff,

15 vs.

16 SWARM SHARING HASH
 17 8AB508AB0F9EF8B4CDB14C624
 18 8F3C96C65BEB882 ON
 19 **DECEMBER 15, 2011** and DOES
 20 1 and 2,

21 Defendants.

)
) **CASE NO.: C-12-194 DDP (SSx)**

)
) **DECLARATION OF TOBIAS FIESER**
) **IN SUPPORT OF PLAINTIFF'S**
) **RESPONSE TO ORDER TO SHOW**
) **CAUSE WHY MATTER SHOULD**
) **NOT BE DIMISSED FOR LACK OF**
) **PERSONAL JURISDICTION**

22)
 23)
 24)
 25 I, Tobias Fieser, declare:

26 1. The facts that I state herein are within my personal knowledge, I know
 27 the same to be true, and if called upon to testify I could and would.
 28

1 2. I am the Director of Data Services for IPP International UG (IPP), the
2
3 company engaged by Plaintiff Celestial, Inc. to detect and record information
4 regarding the copying and distribution of its movies through bit torrent networks as
5 described in more detail in my declaration supporting Celestial's Motion for Leave
6 to Take Discovery Prior to Rule 26 Conference.

8 3. The geological location of an IP address can be requested at the
9
10 American Registry for Internet Numbers (www.ARIN.net). This is the central and
11 official institute holding information about all American IP address ranges.

12 4. There are also various software products that can incorporate the look
13 up data into the work flow of documenting infringement. IPP uses a product called
14 Maxmind.
15

16 5. IP address geolocation data can include information such as country,
17 region, city, postal/zip code, latitude, longitude, Internet Service Provider and
18 timezone. While generally reliable, the broader the area, the more likely the
19 information is to be correct.
20
21

22 6. The website <http://whatismyipaddress.com/geolocation-accuracy> states
23 the following about the accuracy of geolocating tools and we generally concur:
24

25 "Determining the nation of an Internet user based on his or her
26 IP address is relatively simple and accurate (95%-99% percent)
27 because a country name is required information when an IP
28 range is allocated and IP registrars supply that information for
 free.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Determining the physical location down to a city or ZIP code, however, is more difficult and less accurate because there is no official source for the information, users sometimes share IP addresses and Internet service providers often base IP addresses in a city where the company is basing operations.

Accuracy rates on deriving a city from an IP address fluctuate between 50 and 80 percent, according to DNS Stuff, a Massachusetts-based DNS and networking tools firm.


Even when not accurate, though, geolocation can place users in a bordering or nearby city, which may be good enough for the entity seeking the information. This happens because a common method for geolocating a device is referencing its IP address against similar IP addresses with already known locations.”

7. IPP is able to sort all IPs captured by state to be able to only use the data belonging to a state requested and believe that in the majority of cases our geolocation tools will accurately reflect the state in which an IP address may be found.

8. When we queried the IP addresses at issue in this matter, the result indicated that the IP addresses were located in California.

Pursuant to the laws of the United States, I declare under penalty of perjury the foregoing is true and correct.

Dated: 27th March 2012



TOBIAS FIESER
IPP International UG