

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NU IMAGE, INC.,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	NO. 12-4757
	:	
DOES 1-17,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 3rd day of December, 2012, it is **ORDERED** that Plaintiff's Motion for Leave to Take Discovery Prior to a Rule 26(f) Conference (ECF No. 4) is **GRANTED** as follows:

1. Plaintiff may serve a Rule 45 subpoena on each internet service provider ("ISP") listed in Exhibit A to the Complaint to obtain from the ISP the true name, address, and Media Access Control ("MAC") address of the Doe Defendant to whom the ISP assigned an Internet Protocol ("IP") address as provided in Exhibit A to the Complaint.

2. Plaintiff may serve a Rule 45 subpoena in the same manner as above on any ISP that is identified in response to a subpoena as a provider of internet services to one of the Doe Defendants.

3. Plaintiff must attach to each Rule 45 subpoena a copy of this Order and the Court-Directed Notice Regarding Issuance of a Subpoena, a copy of which is attached to this Order.

4. The Rule 45 subpoena must instruct the ISP to provide a copy of this Order and the Court-Directed Notice to each Doe Defendant within seven (7) days of service of the subpoena.

5. As set forth more fully in the Court-Directed Notice, each Doe Defendant shall have twenty-one (21) days from receipt of the Notice to file a motion to quash or vacate the subpoena. The ISP may not release to Plaintiff or its attorneys any Doe Defendant's identifying information any sooner than twenty-one (21) days after the ISP has sent the Court-Directed Notice to the Doe Defendant.

6. If either a Doe Defendant or an ISP files a motion challenging the subpoena, the ISP may not provide any information to Plaintiff or its attorneys without an Order of the Court authorizing the ISP to produce the requested discovery.

7. Until the Doe Defendants' ISPs disclose the Defendants' identities to Plaintiff, any motion that is filed by a Doe Defendant that fails to identify the Defendant's IP address or Doe number (as designated in Exhibit A to the Complaint) will be denied without prejudice.

8. Plaintiff shall not disseminate or use the information disclosed in response to a Rule 45 subpoena for any purpose other than protecting Plaintiff's rights as set forth in its Complaint.



ANITA B. BRODY, J.

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Copies **VIA ECF** on _____ to: Copies **MAILED** on _____ to:

**COURT-DIRECTED NOTICE
REGARDING ISSUANCE OF SUBPOENA**

A subpoena has been issued directing your Internet Service Provider (“ISP”), to disclose your name and address. The subpoena has been issued because you have been sued in the United States District Court for the Eastern District of Pennsylvania in Philadelphia, PA as a “John Doe” by **Nu Image, Inc.** (“Plaintiff”). This case is identified as Nu Image, Inc. v. John Does 1-17 (No. 12-4757). You have been sued for allegedly using the Internet and a “BitTorrent protocol” or “torrent” to infringe copyrights. The Plaintiff has identified you only as a “John Doe” and has served a subpoena on your ISP to learn your identity. This notice is intended to inform you of some of your rights and options. By authorizing the issuance of this subpoena, the Court is not making a decision on the merits of the Plaintiff’s allegations.

**YOUR NAME HAS NOT YET BEEN DISCLOSED.
YOUR NAME WILL BE DISCLOSED IN 21 DAYS IF YOU DO NOT
CHALLENGE THE SUBPOENA.**

Your name has not yet been disclosed. The Plaintiff has given the Court enough information about your alleged infringement to obtain a subpoena to identify you, but no decision whether you are liable for infringement has been made. You can challenge the subpoena in Court. You have twenty-one (21) days from receipt of this notice to file a motion to quash or vacate the subpoena. If you file a motion to quash the subpoena, your identity will not be disclosed until the motion is decided (and the Plaintiff cannot proceed against you until you are identified). The Resource List below can assist you in locating an attorney to help you determine how to respond to the subpoena. If you do not file a motion to quash at the end of the 21-day period, your ISP will send the Plaintiff your identification information.

OTHER ISSUES REGARDING THE LAWSUIT AGAINST YOU

Once you are named as a defendant, the Plaintiff must establish jurisdiction over you to maintain a lawsuit against you in the District Court in Philadelphia. If you do not live or work in Pennsylvania, or visit the state regularly, you may be able to challenge the Pennsylvania court’s jurisdiction over you. If your challenge is successful, the case in Philadelphia will be dismissed, but the Plaintiff may be able to file against you in another state where there is jurisdiction.

RESOURCE LIST

The organizations listed below provide guidance on how to find an attorney. If you live in or near Pennsylvania or Philadelphia, the second and third listings below provide referrals for local attorneys. If you need a lawyer in a state other than Pennsylvania, you may contact that state’s bar association.

- American Bar Association - <http://www.abanet.org>.
- Pennsylvania Bar Association - www.pabar.org; Lawyer referral service - (800) 692-7375 or (717) 238-6807.
- Philadelphia Bar Association - www.philabar.org; Lawyer referral service - (215) 238-6333