

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

REFX AUDIO SOFTWARE, INC.,

Plaintiff,

vs.

DOES 1-145,

Defendants.

Case No.: 3:13-cv-00207

Judge: Janet C. Hall

**JURY TRIAL DEMANDED**

**PLAINTIFF'S SUPPLEMENTAL MOTION FOR LEAVE  
TO TAKE DISCOVERY PRIOR TO RULE 26(f) CONFERENCE**

Pursuant to Fed. R. Civ. P. 26(d)(1), Plaintiff reFX Audio Software Inc. respectfully moves this Court for Leave to Take Discovery Prior to the Rule 26(f) Conference. Specifically, Plaintiff seeks leave of Court to serve limited discovery on non-party ISPs to discover the identity of the subscribers and to determine the identities of the Doe Defendant Nos. 49-145 and for all other relief as this Court deems just and proper. This Court has previously ordered leave to take discovery prior to the Rule 26(f) conference in order to determine the identities of Doe Defendant Nos. 1-48. *See* D.E. 13.

Plaintiff's request for leave to determine the identities of Doe Defendant Nos. 49-145 comes as a result of Plaintiff's ongoing investigation into the infringement of Plaintiff's copyrights as discussed in the First Amended Complaint at ¶ 31, filed contemporaneously herewith.

All salient paragraphs of Plaintiff's original Motion for Leave to Take Discovery Prior to Rule 26(f) Conference (D.E. 3) remain. Plaintiff's only revision in this Supplemental Motion is

to now request leave to take discovery relevant to Doe Defendant Nos. 49-145 in the same manner as it had been granted leave previously with respect to IP addresses in Exhibit A.

Plaintiff has complied with the Court's previous order (D.E. 13) granting leave to take discovery and has served all relevant ISPs with respect to Doe Defendant Nos. 1-48. Plaintiff has served the following ISPs in accordance with the Court's Order: Clearwire; Comcast Business Communications; Comcast Cable; Cox Communications, Inc.; Connecticut College; CSC Holdings, Inc.; and SBC Internet Service, Inc. The ISPs that Plaintiff intends to serve requests for information relating to Doe Defendant Nos. 49-145 includes the aforementioned ISPs as well as Charter Communications, Inc.; MetroCast Communications of Connecticut, LLC; State of Connecticut; and Verizon Wireless, Inc.

Plaintiff incorporates herein the reasoning set forth in its accompanying Memorandum and Declaration of Matthias Schroeder Padewet in support of this motion. A proposed order is attached for the Court's convenience.

Respectfully Submitted,

By:                   /s/ Matthew C. Wagner                    
Matthew C. Wagner (ct25926)  
[mwagner@dmoc.com](mailto:mwagner@dmoc.com)  
Scott M. Harrington (ct02482)  
[sharrington@dmoc.com](mailto:sharrington@dmoc.com)  
Jonathan R. Longobardi (ct29032)  
[jlongobardi@dmoc.com](mailto:jlongobardi@dmoc.com)  
DISERIO MARTIN O'CONNOR &  
CASTIGLIONI, LLP  
One Atlantic Street  
Stamford, CT 06901  
Telephone: (203) 358-0800  
Facsimile: (203) 348-2321  
*Attorneys for Plaintiff*

Dated: April 15, 2013