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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF SANTA CLARA**

15 Apple Computer, Inc.,

16 Plaintiff,

17 v.

18 Doe 1, an unknown individual, and Does
19 2-25, inclusive,

20 Defendants.

Case No. 104-cv-032178

~~PROPOSED~~ ORDER GRANTING
EX PARTE APPLICATION FOR
AN ORDER GRANTING LEAVE TO
SERVE EXPEDITED DISCOVERY
ON NFOX.COM AND KARL KRAFT

21 Based on the *ex parte* application of Plaintiff Apple Computer, Inc.
22 (“Apple”), and good cause appearing,

23 IT IS HEREBY ORDERED that Apple’s request for discovery is granted
24 and that Apple is authorized to serve subpoenas, whether through the use of commissions
25 or in-state process, on Nfox.com and Karl Kraft seeking the following information:

26 All documents relating to the identity of any person or entity who
27 supplied information regarding an unreleased Apple product code-named
28 “Asteroid” or “Q97” (the “Product”), including postings that appeared on
Powerpage.com (the “Website”) on November 19, November 22,
November 23, and November 26, 2004. These documents include:

(a) all documents identifying any individual or individuals who
provided information relating to the Product (“Disclosing Person(s)”),

FILED

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CHIEF E.../CLERK
SUPERIOR COURT OF CA
COUNTY OF SANTA CLARA
BY *C. Pinacate*
C. PINACATE

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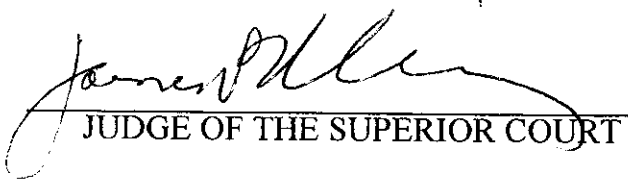
including true name(s), address(es), internet protocol ("IP") address(es),
and e-mail address(es);

(b) all communications from or to any Disclosing Person(s)
relating to the Product;

(c) all documents received from or sent to any Disclosing
Person(s) relating to the Product; and

(d) all images, including photographs, sketches, schematics and
renderings of the Product received from or sent to any Disclosing Person(s).

DATED: February 1, 2005


JUDGE OF THE SUPERIOR COURT

SF1:569530.3