

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SIEMENS PRODUCT LIFECYCLE	:	
MANAGEMENT SOFTWARE, INC.,	:	
	:	Case No.: 14-cv-1926
Plaintiff,	:	
	:	
v.	:	
	:	
DOES 1- 100,	:	
	:	
Defendants.	:	

PLAINTIFF’S STATUS REPORT AND MOTION FOR CONTINUANCE

Pursuant to the Court’s April 4, 2014 Order, Plaintiff Siemens Product Lifecycle Management Software, Inc. (“Siemens PLM”), by its counsel, hereby submits the following Status Report and further moves the Court for a continuance of the initial pre-trial conference to August 14, 2014 to allow Siemens PLM time to receive all of the responses to its subpoenas.

1. On April 21, 2014, this Court granted Siemens PLM’s Motion for Discovery Pursuant to Fed. R. Civ. P. 26(d)(1) and permitted Siemens PLM to serve a subpoena on nonparties Road Runner Holdco, LLC (“Road Runner”), Comcast Corporation (“Comcast”), Verizon Communications, Inc. (“Verizon”), and Cox Communications (“Cox”) (collectively, the “Third Party ISP’s”) for identifying information regarding Defendants Does 1-100.

2. On May 7, 2014, Siemens PLM served Verizon, Comcast, Cox and Road Runner (c/o Time Warner Cable) with the subpoena and enclosed a copy of the Court’s April 21, 2014 Order. Copies of the respective Affidavits of Service are attached hereto as **Exhibit A**.

3. On May 27, 2014, Verizon informed Siemens PLM that additional information was required to properly identify the parties and stated that the requested identities could not be obtained using the information contained in the subpoena. Siemens PLM worked with Verizon

to address this issue and, though it has been resolved, Verizon was delayed in notifying its customers.

4. Siemens PLM is informed and believes that upon identifying the Doe Defendants – per the Court’s Order – Verizon notified the identified parties and provided them with a copy of the subpoena and underlying Complaint filed by Siemens PLM. Siemens PLM expects to receive a response to its subpoena on Verizon within a week or so.

5. Following additional investigation by Siemens PLM, the subpoena served on Road Runner was withdrawn but reserved Siemens PLM’s right to seek information at a later time.

6. Siemens PLM is informed and believes that Cox has identified and notified the Doe Defendants and will be providing a response to Siemens PLM’s subpoena shortly.

7. On June 30, 2014, Siemens PLM received Comcast’s response to Siemens PLM’s subpoena that identified a number of the Doe Defendants.

8. After being notified by one of the Third Party ISPs, a number of the Doe Defendants have contacted Siemens PLM directly to discuss potential resolution of Siemens PLM’s claims. Siemens PLM has obtained amicable resolution with some of those Doe Defendants.

9. Siemens PLM has been diligently working to communicate with the identified parties to resolve this matter without the need for further litigation. Thus far, Siemens PLM has been able to reach resolution with several parties.

10. To allow Siemens PLM time to receive and evaluate the responses to be provided by Cox and Verizon, Siemens PLM requests a continuance of the initial pretrial conference to August 14, 2014.

WHEREFORE, Siemens PLM respectfully requests that the Court enter an Order granting Siemens PLM's motion for continuance of the initial pre-trial conference to August 14, 2014.

Dated: July 8, 2014

REED SMITH LLP

/s/Peter C. Gourdine
Peter C. Gourdine (PG 6016)
REED SMITH LLP
599 Lexington Avenue
New York, NY 10022
Telephone: 1 212 521 5400
Facsimile: 1 212 521 5450

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Siemens Product Lifecycle Management
Software Inc.*

New Jersey Lawyers Service
2333 U.S. Hwy 22 West
Union, New Jersey 07083
908-686-7300



JOB # 125456

PLAINTIFF

SIEMENS PRODUCT LIFECYCLE MANAGEMENT SOFTWARE, INC.
VS. DOES 1-100

US DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DOCKET 14-CV-1926

DEFENDANT

AFFIDAVIT OF SERVICE

FileRef#

REED SMITH LLP

136 MAIN STREET

PRINCETON NJ 08540

(609) 987-0050

Papers Served: SUBPOENA TO PRODUCE DOCS,
INFORMATION OR OBJECTS

Person served at location stated:

COMCAST CORPORATION
LEGAL RESPONSE CENTER 650 CENTERTON RD
MOORESTOWN NJ 08057

Served Successfully Not Served Date 5/7/14

Time 3:08pm

Attempts: _____

____ Delivered a copy to him/her personally

____ Left a copy with a competent household member
over 14 years of age residing therein (indicate name
relationship at right)

Left a copy with a person authorized to accept service, e.g., managing
agent, registered agent, etc.
(indicate name official title at right)

Description of Person Accepting Service:

Sex: female Age: 28 Weight: 145 Skin Color: tan Hair Color: black

Military Service I asked the person whether recipient was in active military service of the United States or the State of New Jersey in any activity whatever and received a negative reply. Recipient wore civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversation and observation above narrated.

Subscribed and Sworn to me this
____ day of May 2014

I Seuck-Hoome, at the time of service a competent
adult not having a direct interest in the litigation. I declare under penalty of
perjury that the foregoing is true and correct.

Signature of Process Server

Notary Signature



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
STATE OF NEW YORK

SIEMENS PRODUCT LIFECYCLE
MGMT SOFTWARE

Plaintiff,

vs.

DOES 1-100

Defendant.

CIVIL ACTION
CASE NO.: 14-CV-1926

AFFIDAVIT OF SERVICE

COMES NOW, BRUCE R. SMITH JR., a United States citizen and over the age of 18 years,
before the undersigned officer duly authorized to administer oaths, and, being sworn on oath,
deposes and states as follows:

1.

I served COX COMMUNICATIONS with the below-listed documents in this matter, in the below-described
manner,

at 40 TECH PKWY, NORCROSS, GA 30092,

on May 7, 2014, at 2:25 PM:

SUBPOENA DUCES TECUM

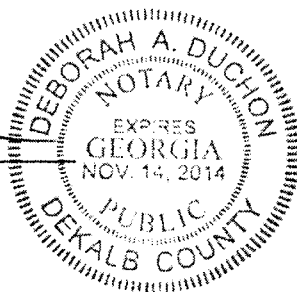
Said documents were served by handing to BARRY SMITH, Office Services.

2.



BRUCE R. SMITH JR.
Attorneys' Personal Services, Inc.

Sworn to and subscribed
before me this the 8th day
of May, 2014.


Notary Public

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case Number: 14-CV-1926
Return Date: 6/30/2014

-----X
**SIEMENS PRODUCT LIFECYCLE
MANAGEMENT SOFTWARE, INC.**

Attorney: Reed Smith LLP
599 Lexington Avenue
22nd Floor
New York, NY 10022
212-521-5400

Plaintiff,

v.

DOES 1 – 100,

Defendants.
-----X

STATE OF NEW YORK, COUNTY OF NASSAU; SS:

The undersigned being duly sworn, deposes and says:

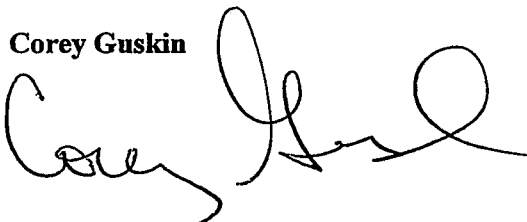
I, **Corey Guskin**, am not a party to this action, I am over 18 years of age, and I reside in the County of Nassau, in the State of New York

That on Wednesday, May 7, 2014, at 3:35 P.M. deponent served the within **Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action** and Exhibit A with all documents endorsed with the case number of 14-CV-1926.

Upon: **Verizon Communications c/o Verizon Legal Compliance**
Located at: **CT Corporation, 111 8th Avenue, 13th Floor, New York, New York 10011-5201**

Registered Agent Service: by delivering the Subpoena in a Civil Case within the state to the registered agent for service of process of the corporation (**Verizon Communications c/o Verizon Legal Compliance**) to be served as designated under CPLR rule 318 to Elena Bou, Process Service Clerk, personally at CT Corporation. Elena Bou said she is authorized to receive service of process for CT Corporation and Verizon Communications c/o Verizon Legal Compliance

Elena Bou's Description: Caucasian, White Skin, Female, Blonde Hair, Glasses, 35 Years Old, 5' 5" and 120 Lbs.

Corey Guskin

License # 1094475

Sworn to before me this 7th day of May, 2014



JOAN GUSKIN
Notary Public, State of New York
No. 01GU6230103
Qualified in Nassau County
Commission Expires November 01, 2014

Notary Public

Case Number: 14-CV-1926 Court Date: 06/30/2014 9:00 am
Date Filed

Plaintiff:
Siemens Product Lifecycle Management Software, Inc.
vs
Defendant:
Does 1-100

Received on 5/7/2014 to be served on Time Warner Cable c/o Subpoena Compliance Team, 13820 Sunrise Valley Drive, Herndon, VA 20171.

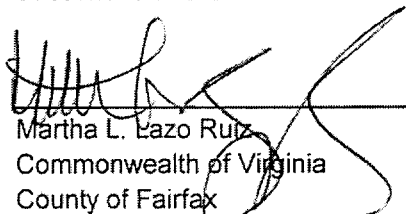
Anthony J. Stefano, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action.

On 5/7/2014 at 4:17 pm, deponent served the within SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION WITH EXHIBIT A; ORDER AND SUBPOENA TO PRODUCE DOCUMENTS DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION (UNSIGNED) on Time Warner Cable c/o Subpoena Compliance Team at 13820 Sunrise Valley Drive, Herndon, VA 20171 in the manner indicated below:

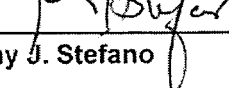
By delivering a true copy of each to and leaving with Sean Harris, Subpoena Analyst who stated he/she is authorized to accept service on behalf of the corporation/government entity.

Description:
Gender: Male Race/Skin: White Age: 30 - 40 Yrs. Weight: 161-190 Lbs. Height: 6'1" - 6'3" Hair: Brown
Other:

Subscribed and Sworn to before me on 05/07/2014.


Martha L. Eazo Ruiz
Commonwealth of Virginia
County of Fairfax



X 
Anthony J. Stefano
Job #: 142694
Client File # 363310/20001

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SIEMENS PRODUCT LIFECYCLE
MANAGEMENT SOFTWARE, INC.,

Plaintiff,

v.

DOES 1- 100,

Defendants.

:
:
: Case No.: 14-cv-1926

PROPOSED ORDER

:
:
:
:
:

Upon consideration of the motion of Plaintiff Siemens Product Lifecycle Management Software Inc. (“Plaintiff”) for a continuance, it is hereby ORDERED that the initial pre-trial conference shall be continued to August 14, 2014.

Dated: July ____, 2013

BY THE COURT:

Honorable Katherine B. Forrest
United States District Judge