

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

VIRGIN RECORDS AMERICA, INC., )  
et al., )  
 ) No. 04-CV-0438  
Plaintiffs, )  
 )  
v. )  
 )  
DOES 1 – 44, )  
 )  
Defendants. )  
\_\_\_\_\_ )

**DECLARATION OF SETH SCHOEN**

I, Seth Schoen, declare as follows :

1. I am a Staff Technologist with the Electronic Frontier Foundation (EFF), and make this declaration on my own personal knowledge.
2. The purpose of this declaration is to set forth facts, which were readily available to the Plaintiffs from free, public Internet sources at and before the time they filed suit, that establish that many of the unnamed defendants in the above-referenced case (hereinafter "Does") use Internet connections physically located far from this District and therefore are likely not located in this District.
3. By reviewing exhibits attached to the Complaint, I compiled a list of the Internet Protocol (IP) addresses that the plaintiffs attribute to each of the Doe defendants. That list of "Doe IP Addresses" is attached as Exhibit A.
4. There are many tools freely available to the public that help reveal where a person using a particular IP address is likely to be physically located.

5. One means of learning about where an IP address is physically located is known as "reverse domain name service" or "reverse DNS". When an Internet service provider ("ISP") allocates or prepares to allocate IP addresses to customers, it typically creates and publishes database records assigning a human-readable "domain name" to each numerical IP address. The reverse lookup information can be obtained by anyone using a program such as "host", or with web-based tools such as SamSpade.org's DNS lookup, <<http://samspade.org/t/dns?>>.

6. One of the purposes of reverse DNS service is to help interested parties learn more about what a computer is used for, what organization's network it is connected to, and, in many cases, where the computer is physically located. Typically, for home users of dial-up or broadband connections, such as DSL or cable-modem services, a domain name obtained from reverse DNS will identify the ISP that assigned the IP address.

7. In addition, such a domain name will frequently give an approximate physical location. For example, one of the Does here was alleged to use the IP address 66.167.66.231. The reverse DNS database identifies this computer with the domain name "h-66-167-66-231.CHCGILGM.dynamic.covad.net", revealing its likely physical location to be in or near the city of Chicago, Illinois. This means that in all likelihood, the subscriber using this IP address is located in or near Chicago, Illinois.

8. For each of the IP addresses alleged by plaintiffs to belong to the Doe defendants, I used the "host" program to perform a reverse lookup against the publicly-accessible reverse DNS service. The list of domain names corresponding

to the Doe IP addresses is attached as Appendix A.

9. Another means of learning where an IP address is located is to use a public database operated by the American Registry for Internet Numbers ("ARIN database"). ARIN is the authority responsible for the initial allocation of IP addresses to ISPs located in the United States. ARIN maintains public records indicating to whom a given IP address has been allocated. Large ISPs may apply to ARIN multiple times to receive multiple "blocks" or ranges of IP addresses. Each such block may be dedicated to a particular purpose or geographic area.

10. The ARIN database can be searched using a public web site provided by ARIN, or by using a program called "whois".

11. For each of the IP addresses alleged by plaintiffs to belong to Doe defendants, I also used the "whois" program to search ARIN's database. In each case, the ARIN database indicated that the IP address in question was assigned to Comcast and also provided a more specific geographic designation. The list of ARIN records for the Doe IP addresses attached as Appendix B.

12. Reverse DNS and ARIN records indicate that Does in this lawsuit have Internet connections located in or near: Milwaukee, WI; Houston, TX; New York, NY; Charlotte, NC; Los Angeles, CA; Columbia, SC; Columbus, OK; Fayetteville, NC; Shreveport, LA; Waco, TX; Chicago, IL; and the State of Florida.

13. Because DSL and cable modem connections are provided from local hubs to users in a particular geographic region, there is good reason to believe that the geographic location data obtained by these methods actually reflects the physical location of the Internet connection. In other words, the geographic

designations obtained by these methods likely indicate the locations of the residences or other venues where the Does use their Internet-connected computers.

14. In my experience, computer professionals are generally aware of the existence and function of the reverse DNS and whois services, and would use either or both when they needed to learn where a given IP address was physically located. These techniques are readily and easily available to the recording companies and the computer professionals they have employed to perform the investigations leading to this lawsuit.

15. In addition, other techniques and other publicly-available information can serve to identify and confirm the general physical location of a particular Internet user. For example, a program called "traceroute" will generally reveal the physical locations of ISP-operated routers that provide service to a particular customer, which can be used as one means of confirming or augmenting the information obtained about customers' locations by other means. All these techniques were and

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are available to the plaintiffs here. Indeed, plaintiffs in this action likely determined the Internet service provider of the Does identified here by using reverse DNS, the ARIN database, or other similar techniques that also tend to indicate a subscriber's physical location.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this document was executed in San Francisco, California.

Respectfully submitted,

DATED: February 25, 2004

By \_\_\_\_\_  
Seth Schoen

## **EXHIBIT A**

IP addresses of Does:

24.145.200.42  
67.100.29.80  
24.223.165.186  
65.160.213.79  
68.165.17.165  
24.238.167.58  
24.199.69.205  
24.238.142.34  
24.225.45.244  
24.171.149.45  
24.233.148.74  
24.255.81.176  
24.199.100.36  
4.35.70.201  
24.223.200.106  
65.87.154.201  
66.167.66.231  
66.32.166.56  
24.239.161.106  
24.136.88.250  
24.223.191.175  
24.136.252.150  
4.5.247.137  
24.145.129.181  
24.223.207.60  
24.206.66.240  
24.238.244.64  
24.136.214.84  
4.43.253.185  
24.225.36.58  
24.239.190.23  
24.223.213.93  
24.223.149.238  
65.40.150.132  
206.107.220.100  
24.206.105.183

66.32.163.7  
24.199.75.69  
24.206.98.218  
24.206.90.11  
24.170.184.251  
24.239.145.217

## **EXHIBIT B**

Reverse DNS records for Doe IP addresses:

Name: user-0c93i1a.cable.mindspring.com  
Address: 24.145.200.42

Name: h-67-100-29-80.MIATFLAD.dynamic.covad.net  
Address: 67.100.29.80

Name: user-0cdv9dq.cable.mindspring.com  
Address: 24.223.165.186

Name: user79.net078.lv.sprint-hsd.net  
Address: 65.160.213.79

Name: h-68-165-17-165.LSANCA54.dynamic.covad.net  
Address: 68.165.17.165

Name: user-0cet9pq.cable.mindspring.com  
Address: 24.238.167.58

Name: user-0ccehed.cable.mindspring.com  
Address: 24.199.69.205

Name: user-0cet3h2.cable.mindspring.com  
Address: 24.238.142.34

Name: user-0ce2bfk.cable.mindspring.com  
Address: 24.225.45.244

Name: user-0can59d.cable.mindspring.com  
Address: 24.171.149.45

Name: user-0cej52a.cable.mindspring.com  
Address: 24.233.148.74

Name: user-0ccep14.cable.mindspring.com  
Address: 24.199.100.36

Name: nycmny1-ar5-4-35-070-201.nycmny1.elnk.dsl.genuity.net  
Address: 4.35.70.201

Name: user-0cdvi3a.cable.mindspring.com  
Address: 24.223.200.106

Name: user-10lf6m9.cable.mindspring.com  
Address: 65.87.154.201

Name: h-66-167-66-231.CHCGILGM.dynamic.covad.net  
Address: 66.167.66.231

Name: user-11219ho.dsl.mindspring.com  
Address: 66.32.166.56

Name: user-0cev8ba.cable.mindspring.com  
Address: 24.239.161.106

Name: user-0c8gm7q.cable.mindspring.com  
Address: 24.136.88.250

Name: user-0cdvftf.cable.mindspring.com  
Address: 24.223.191.175

Name: user-0c8hv4m.cable.mindspring.com  
Address: 24.136.252.150

Name: wbar1.sea1-4-5-247-137.sea1.elnk.dsl.genuity.net  
Address: 4.5.247.137

Name: user-0c930dl.cable.mindspring.com  
Address: 24.145.129.181

Name: user-0cdvjps.cable.mindspring.com  
Address: 24.223.207.60

Name: user-0ccsgng.cable.mindspring.com  
Address: 24.206.66.240

Name: user-0cett20.cable.mindspring.com  
Address: 24.238.244.64

Name: user-0c8hlik.cable.mindspring.com  
Address: 24.136.214.84

Name: nycmny1-ar1-4-43-253-185.nycmny1.elnk.dsl.genuity.net  
Address: 4.43.253.185

Name: user-0ce291q.cable.mindspring.com  
Address: 24.225.36.58

Name: user-0cevfgn.cable.mindspring.com  
Address: 24.239.190.23

Name: user-0cdvlat.cable.mindspring.com  
Address: 24.223.213.93

Name: user-0cdv5fe.cable.mindspring.com  
Address: 24.223.149.238

Name: user132.net465.lv.sprint-hsd.net  
Address: 65.40.150.132

Name: user100.net060.lv.sprint-hsd.net  
Address: 206.107.220.100

Name: user-0ccsqdn.cable.mindspring.com  
Address: 24.206.105.183

Name: user-11218o7.dsl.mindspring.com  
Address: 66.32.163.7

Name: user-0cceiq5.cable.mindspring.com  
Address: 24.199.75.69

Name: user-0ccsomq.cable.mindspring.com  
Address: 24.206.98.218

Name: user-0ccsmgb.cable.mindspring.com  
Address: 24.206.90.11

Name: user-0cale7r.cable.mindspring.com  
Address: 24.170.184.251

Name: user-0cev4ep.cable.mindspring.com  
Address: 24.239.145.217

## EXHIBIT C

American Registry for Internet Numbers (ARIN) database records for Doe IP addresses:

24.145.200.42

Earthlink, Inc. ERLK-CABLE-TW-CENTRAL (NET-24-145-128-0-1)

24.145.128.0 - 24.145.255.255

EARTHLINK, INC. ERLK-TW-MILWAUKEE7 (NET-24-145-200-0-1)

24.145.200.0 - 24.145.203.255

# ARIN WHOIS database, last updated 2004-02-23 19:15

# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

67.100.29.80

OrgName: Covad Communications

OrgID: CVAD

Address: 2510 Zanker Rd

City: San Jose

StateProv: CA

PostalCode: 95131-1127

Country: US

ReferralServer: rwhois://rwhois.laserlink.net:4321/

NetRange: 67.100.0.0 - 67.102.255.255

CIDR: 67.100.0.0/15, 67.102.0.0/16

NetName: NETBLK-COVAD-IP-4-NET

NetHandle: NET-67-100-0-0-1

Parent: NET-67-0-0-0-0

NetType: Direct Allocation

NameServer: NS1.COVAD.NET

NameServer: NS2.COVAD.NET

Comment:

RegDate: 2003-04-18

Updated: 2003-09-04

AbuseHandle: CART-ARIN  
AbuseName: Covad abuse reporting team  
AbusePhone: +1-703-376-2830  
AbuseEmail: abuse-isp@covad.com

OrgAbuseHandle: CART-ARIN  
OrgAbuseName: Covad abuse reporting team  
OrgAbusePhone: +1-703-376-2830  
OrgAbuseEmail: abuse-isp@covad.com

OrgNOCHandle: CIN-ARIN  
OrgNOCName: COVAD IP NOC  
OrgNOCPhone: +1-888-801-6285  
OrgNOCEmail: noc-ipservices@covad.com

OrgTechHandle: PRN-ARIN  
OrgTechName: Nic oll, Peter R  
OrgTechPhone: +1-408-434-2108  
OrgTechEmail: pnicoll@covad.com

OrgTechHandle: SMA52-ARIN  
OrgTechName: Ancha, Scott M  
OrgTechPhone: +1-408-434-2112  
OrgTechEmail: sancha@covad.com

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

24.223.165.186

OrgName: Earthlink, Inc.  
OrgID: ERCT  
Address: 1375 Peachtree Street, Level A  
City: Atlanta  
StateProv: GA  
PostalCode: 30309  
Country: US

NetRange: 24.223.128.0 - 24.223.255.255  
CIDR: 24.223.128.0/17  
NetName: ERLK-CBL-TW-CENTRAL  
NetHandle: NET-24-223-128-0-1  
Parent: NET-24-0-0-0-0  
NetType: Direct Allocation  
NameServer: ITCHY.MINDSPRING.NET  
NameServer: SCRATCHY.MINDSPRING.NET  
Comment:  
RegDate: 2003-03-11  
Updated: 2003-07-09

OrgAbuseHandle: ABUSE60-ARIN  
OrgAbuseName: ABUSE TEAM  
OrgAbusePhone: +1-404-815-0770  
OrgAbuseEmail: abuse@abuse.earthlink.net

OrgTechHandle: ELNK-ORG-ARIN  
OrgTechName: EarthLink, Inc.  
OrgTechPhone: +1-404-815-0770  
OrgTechEmail: arin\_tech@lists.corp.earthlink.net

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
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65.160.213.79  
Sprint SPRINTLINK-2-BLKS (NET-65-160-0-0-1)  
65.160.0.0 - 65.174.255.255  
Sprint DSL Network DSL-NET073-080-LV (NET-65-160-208-0-1)  
65.160.208.0 - 65.160.215.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
-----

68.165.17.165

OrgName: Covad Communications  
OrgID: CVAD  
Address: 2510 Zanker Rd

City: San Jose  
StateProv: CA  
PostalCode: 95131-1127  
Country: US

ReferralServer: rwhois://rwhois.laserlink.net:4321/

NetRange: 68.164.0.0 - 68.167.255.255  
CIDR: 68.164.0.0/14  
NetName: NETBLK-COVAD-IP-4-NET  
NetHandle: NET-68-164-0-0-1  
Parent: NET-68-0-0-0-0  
NetType: Direct Allocation  
NameServer: NS1.COVAD.NET  
NameServer: NS2.COVAD.NET  
Comment:  
RegDate: 2002-11-12  
Updated: 2003-05-13

AbuseHandle: CART-ARIN  
AbuseName: Covad abuse reporting team  
AbusePhone: +1-703-376-2830  
AbuseEmail: abuse-isp@covad.com

TechHandle: ZC178-ARIN  
TechName: Covad IP Admin  
TechPhone: +1-408-434-2108  
TechEmail: ip\_admin@covad.com

OrgAbuseHandle: CART-ARIN  
OrgAbuseName: Covad abuse reporting team  
OrgAbusePhone: +1-703-376-2830  
OrgAbuseEmail: abuse-isp@covad.com

OrgNOCHandle: CIN-ARIN  
OrgNOCName: COVAD IP NOC  
OrgNOCPhone: +1-888-801-6285  
OrgNOCEmail: noc-ipservices@covad.com

OrgTechHandle: PRN-ARIN  
OrgTechName: Nicoll, Peter R  
OrgTechPhone: +1-408-434-2108  
OrgTechEmail: pnicoll@covad.com

OrgTechHandle: SMA52-ARIN  
OrgTechName: Ancha, Scott M  
OrgTechPhone: +1-408-434-2112  
OrgTechEmail: sancha@covad.com

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.

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24.238.167.58  
EarthLink, Inc. ERLK-CBL-TW-SOUTHWEST (NET-24-238-128-0-1)  
24.238.128.0 - 24.238.255.255  
EARTHLINK, INC. ERLK-TW-HOUSTON10 (NET-24-238-144-0-1)  
24.238.144.0 - 24.238.191.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.

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24.199.69.205  
EarthLink, Inc. ERNK-CABLE-TW-NYC (NET-24-199-64-0-1)  
24.199.64.0 - 24.199.127.255  
EARTHLINK, INC. ERLK-TW-NYC13 (NET-24-199-64-0-2)  
24.199.64.0 - 24.199.95.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.

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24.238.142.34  
EarthLink, Inc. ERLK-CBL-TW-SOUTHWEST (NET-24-238-128-0-1)  
24.238.128.0 - 24.238.255.255  
EARTHLINK, INC. ERLK-TW-HOUSTON9 (NET-24-238-128-0-2)  
24.238.128.0 - 24.238.143.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
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24.225.45.244  
Earthlink, Inc. ERLK-CBL-TW-MIDSOUTH (NET-24-225-32-0-1)  
24.225.32.0 - 24.225.95.255  
EARTHLINK, INC. ERLK-TW-CHARLOTTE9 (NET-24-225-32-0-2)  
24.225.32.0 - 24.225.47.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
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24.171.149.45  
EarthLink, Inc. ERLK-CBL-TW-WEST3 (NET-24-171-128-0-1)  
24.171.128.0 - 24.171.159.255  
EARTHLINK, INC. ERLK-TW-LOSANGELES13 (NET-24-171-144-0-1)  
24.171.144.0 - 24.171.151.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
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24.233.148.74  
Earthlink, Inc. ERLK-CABLE-SOUTHEAST2 (NET-24-233-128-0-1)  
24.233.128.0 - 24.233.159.255  
EARTHLINK, INC. ERLK-TW-CENTRALFL7 (NET-24-233-144-0-1)  
24.233.144.0 - 24.233.159.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
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24.255.81.176

OrgName: Cox Communications Inc.  
OrgID: CXA  
Address: 1400 Lake Hearn Drive  
City: Atlanta  
StateProv: GA

PostalCode: 30319

Country: US

NetRange: 24.248.0.0 - 24.255.255.255

CIDR: 24.248.0.0/13

NetName: NETBLK-COX-ATLANTA-8

NetHandle: NET-24-248-0-0-1

Parent: NET-24-0-0-0-0

NetType: Direct Allocation

NameServer: NS.COX.NET

NameServer: NS.WEST.COX.NET

NameServer: NS.EAST.COX.NET

Comment:

RegDate: 2003-10-28

Updated: 2004-01-29

OrgAbuseHandle: IC146-ARIN

OrgAbuseName: Cox Communications, Inc

OrgAbusePhone: +1-404-269-7626

OrgAbuseEmail: abuse@cox.net

OrgTechHandle: SHACK-ARIN

OrgTechName: Shackelford, Scott

OrgTechPhone: +1-404-269-7626

OrgTechEmail: scott.shackelford@cox.com

OrgTechHandle: WILLI-ARIN

OrgTechName: Williams, Matt

OrgTechPhone: +1-404-269-7626

OrgTechEmail: matt.williams@cox.com

# ARIN WHOIS database, last updated 2004-02-23 19:15

# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

24.199.100.36

EarthLink, Inc. ERNK-CABLE-TW-NYC (NET-24-199-64-0-1)

24.199.64.0 - 24.199.127.255

Earthlink, Inc. ERLK-TWNYC2 (NET-24-199-96-0-1)

24.199.96.0 - 24.199.111.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
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4.35.70.201

OrgName: Genuity  
OrgID: GNTY  
Address: Genuity  
Address: 225 Presidential Way  
City: Woburn  
StateProv: MA  
PostalCode: 01888  
Country: US

NetRange: 4.0.0.0 - 4.255.255.255  
CIDR: 4.0.0.0/8  
NetName: GNTY-4-0  
NetHandle: NET-4-0-0-0-1  
Parent:  
NetType: Direct Allocation  
NameServer: DNSAUTH1.SYS.GTEI.NET  
NameServer: DNSAUTH2.SYS.GTEI.NET  
NameServer: DNSAUTH3.SYS.GTEI.NET  
Comment:  
RegDate:  
Updated: 2002-05-02

TechHandle: CS15-ARIN  
TechName: Soulia, Cindy  
TechPhone: +1-800-436-8489  
TechEmail: csoulia@genuity.net

OrgAbuseHandle: ABUSE23-ARIN  
OrgAbuseName: Abuse  
OrgAbusePhone: +1-800-436-8489  
OrgAbuseEmail: abuse@genuity.com

OrgNOCHandle: NOC119-ARIN  
OrgNOCName: NOC  
OrgNOCPhone: +1-800-436-8489  
OrgNOCEmail: ops@genuity.net

OrgTechHandle: CS15-ARIN  
OrgTechName: Soulia, Cindy  
OrgTechPhone: +1-800-436-8489  
OrgTechEmail: csoulia@genuity.net

OrgTechHandle: ARINC4-ARIN  
OrgTechName: ARIN Contact  
OrgTechPhone: +1-800-436-8489  
OrgTechEmail: arin-contact@genuity.com

OrgTechHandle: APL7-ARIN  
OrgTechName: ADMIN POC LVL  
OrgTechPhone: +1-877-453-8353  
OrgTechEmail: ipaddressing@level3.com

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.

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24.223.200.106  
Earthlink, Inc. ERLK-CBL-TW-CENTRAL (NET-24-223-128-0-1)  
24.223.128.0 - 24.223.255.255  
EARTHLINK, INC. ERLK-TW-MILWAUKEE12 (NET-24-223-192-0-1)  
24.223.192.0 - 24.223.207.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.

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65.87.154.201  
Earthlink, Inc. ERLK-CBL-TW-MSOUTH (NET-65-87-128-0-1)  
65.87.128.0 - 65.87.191.255  
EARTHLINK, INC. ERLK-TW-COLUMBIA4 (NET-65-87-152-0-1)  
65.87.152.0 - 65.87.159.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

66.167.66.231

OrgName: Covad Communications  
OrgID: CVAD  
Address: 2510 Zanker Rd  
City: San Jose  
StateProv: CA  
PostalCode: 95131-1127  
Country: US

ReferralServer: rwhois://rwhois.laserlink.net:4321/

NetRange: 66.166.0.0 - 66.167.255.255  
CIDR: 66.166.0.0/15  
NetName: NETBLK-COVAD-IP-3-NET  
NetHandle: NET-66-166-0-0-1  
Parent: NET-66-0-0-0-0  
NetType: Direct Allocation  
NameServer: NS1.COVAD.NET  
NameServer: NS2.COVAD.NET  
Comment: ADDRESSES WITHIN THIS BLOCK ARE NON-PORTABLE  
Comment: Reassignment information for this block of addresses can  
Comment: be found at rwhois://rwhois.laserlink.net:4321/  
RegDate: 2001-09-10  
Updated: 2003-05-13

TechHandle: ZC178-ARIN  
TechName: Covad IP Admin  
TechPhone: +1-408-434-2108  
TechEmail: ip\_admin@covad.com

AbuseHandle: CART-ARIN  
AbuseName: Covad abuse reporting team  
AbusePhone: +1-703-376-2830  
AbuseEmail: abuse-isp@covad.com

OrgAbuseHandle: CART-ARIN  
OrgAbuseName: Covad abuse reporting team  
OrgAbusePhone: +1-703-376-2830  
OrgAbuseEmail: abuse-isp@covad.com

OrgNOCHandle: CIN-ARIN  
OrgNOCName: COVAD IP NOC  
OrgNOCPhone: +1-888-801-6285  
OrgNOCEmail: noc-ipservices@covad.com

OrgTechHandle: PRN-ARIN  
OrgTechName: Nicoll, Peter R  
OrgTechPhone: +1-408-434-2108  
OrgTechEmail: pnicoll@covad.com

OrgTechHandle: SMA52-ARIN  
OrgTechName: Ancha, Scott M  
OrgTechPhone: +1-408-434-2112  
OrgTechEmail: sancha@covad.com

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

66.32.166.56

OrgName: EarthLink Network, Inc.  
OrgID: ERAD  
Address: 1375 PECHTREE ST, LEVEL A  
City: ATLANTA  
StateProv: GA  
PostalCode: 30309  
Country: US

NetRange: 66.32.0.0 - 66.32.255.255  
CIDR: 66.32.0.0/16  
NetName: EARTHLINKDSL-2BLK  
NetHandle: NET-66-32-0-0-1  
Parent: NET-66-0-0-0-0  
NetType: Direct Allocation  
NameServer: ITCHY.MINDSPRING.NET

NameServer: SCRATCHY.MINDSPRING.NET

Comment:

RegDate: 2000-10-13

Updated: 2002-10-30

TechHandle: DAE4-ARIN

TechName: Domain Administrator, Administrator

TechPhone: +1-404-815-0770

TechEmail: arinpoc@corp.earthlink.net

OrgAbuseHandle: ABUSE60-ARIN

OrgAbuseName: ABUSE TEAM

OrgAbusePhone: +1-404-815-0770

OrgAbuseEmail: abuse@abuse.earthlink.net

OrgTechHandle: ELNK-ORG-ARIN

OrgTechName: EarthLink, Inc.

OrgTechPhone: +1-404-815-0770

OrgTechEmail: arin\_tech@lists.corp.earthlink.net

# ARIN WHOIS database, last updated 2004-02-23 19:15

# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

24.239.161.106

EarthLink, Inc. ERLK-CBL-TW-NYC2 (NET-24-239-128-0-1)

24.239.128.0 - 24.239.191.255

EARTHLINK, INC. ERLK-TW-NYC16 (NET-24-239-160-0-1)

24.239.160.0 - 24.239.179.255

# ARIN WHOIS database, last updated 2004-02-23 19:15

# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

24.136.88.250

EarthLink, Inc. ERLK-CBL-TW-WEST (NET-24-136-64-0-1)

24.136.64.0 - 24.136.95.255

EARTHLINK, INC. ERLK-TW-LOSANGELES8 (NET-24-136-88-0-1)

24.136.88.0 - 24.136.91.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
-----

24.223.191.175  
Earthlink, Inc. ERLK-CBL-TW-CENTRAL (NET-24-223-128-0-1)  
24.223.128.0 - 24.223.255.255  
EARTHLINK, INC. ERLK-TW-MINNEAPOLIS7 (NET-24-223-190-0-1)  
24.223.190.0 - 24.223.191.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
-----

24.136.252.150  
Earthlink, Inc. ERLK-CBLE-TW-MSOUTH (NET-24-136-128-0-1)  
24.136.128.0 - 24.136.255.255  
EARTHLINK, INC. ERLK-TW-RALEIGH25 (NET-24-136-220-0-1)  
24.136.220.0 - 24.136.255.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
-----

4.5.247.137

OrgName: Genuity  
OrgID: GNTY  
Address: Genuity  
Address: 225 Presidential Way  
City: Woburn  
StateProv: MA  
PostalCode: 01888  
Country: US

NetRange: 4.0.0.0 - 4.255.255.255  
CIDR: 4.0.0.0/8  
NetName: GNTY-4-0  
NetHandle: NET-4-0-0-0-1  
Parent:  
NetType: Direct Allocation

NameServer: DNSAUTH1.SYS.GTEI.NET  
NameServer: DNSAUTH2.SYS.GTEI.NET  
NameServer: DNSAUTH3.SYS.GTEI.NET  
Comment:  
RegDate:  
Updated: 2002-05-02

TechHandle: CS15-ARIN  
TechName: Soulia, Cindy  
TechPhone: +1-800-436-8489  
TechEmail: csoulia@genuity.net

OrgAbuseHandle: ABUSE23-ARIN  
OrgAbuseName: Abuse  
OrgAbusePhone: +1-800-436-8489  
OrgAbuseEmail: abuse@genuity.com

OrgNOCHandle: NOC119-ARIN  
OrgNOCName: NOC  
OrgNOCPhone: +1-800-436-8489  
OrgNOCEmail: ops@genuity.net

OrgTechHandle: CS15-ARIN  
OrgTechName: Soulia, Cindy  
OrgTechPhone: +1-800-436-8489  
OrgTechEmail: csoulia@genuity.net

OrgTechHandle: ARINC4-ARIN  
OrgTechName: ARIN Contact  
OrgTechPhone: +1-800-436-8489  
OrgTechEmail: arin-contact@genuity.com

OrgTechHandle: APL7-ARIN  
OrgTechName: ADMIN POC LVLT  
OrgTechPhone: +1-877-453-8353  
OrgTechEmail: ipaddressing@level3.com

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

24.145.129.181

Earthlink, Inc. ERLK-CABLE-TW-CENTRAL (NET-24-145-128-0-1)  
24.145.128.0 - 24.145.255.255

EARTHLINK, INC. ERLK-TW-COLUMBUS1 (NET-24-145-128-0-2)  
24.145.128.0 - 24.145.137.255

# ARIN WHOIS database, last updated 2004-02-23 19:15

# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

24.223.207.60

Earthlink, Inc. ERLK-CBL-TW-CENTRAL (NET-24-223-128-0-1)  
24.223.128.0 - 24.223.255.255

EARTHLINK, INC. ERLK-TW-MILWAUKEE12 (NET-24-223-192-0-1)  
24.223.192.0 - 24.223.207.255

# ARIN WHOIS database, last updated 2004-02-23 19:15

# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

24.206.66.240

EarthLink, Inc. CABLE-TW-SOUTHWEST (NET-24-206-64-0-1)  
24.206.64.0 - 24.206.127.255

EARTHLINK, INC. ERLK-TW-AUSTIN10 (NET-24-206-64-0-2)  
24.206.64.0 - 24.206.79.255

# ARIN WHOIS database, last updated 2004-02-23 19:15

# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

24.238.244.64

EarthLink, Inc. ERLK-CBL-TW-SOUTHWEST (NET-24-238-128-0-1)  
24.238.128.0 - 24.238.255.255

EARTHLINK, INC. ERLK-TW-HOUSTON11 (NET-24-238-192-0-1)  
24.238.192.0 - 24.238.255.255

# ARIN WHOIS database, last updated 2004-02-23 19:15

# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

24.136.214.84

Earthlink, Inc. ERLK-CBLE-TW-MSOUTH (NET-24-136-128-0-1)  
24.136.128.0 - 24.136.255.255

EARTHLINK, INC. ERLK-TW-FAYETTEVILLE11 (NET-24-136-208-0-1)  
24.136.208.0 - 24.136.217.255

# ARIN WHOIS database, last updated 2004-02-23 19:15

# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

4.43.253.185

Genuity GNTY-4-0 (NET-4-0-0-0-1)

4.0.0.0 - 4.255.255.255

Earthlink EARTHLINK-43-240-18 (NET-4-43-240-0-1)

4.43.240.0 - 4.43.255.255

# ARIN WHOIS database, last updated 2004-02-23 19:15

# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

24.225.36.58

Earthlink, Inc. ERLK-CBL-TW-MIDSOUTH (NET-24-225-32-0-1)

24.225.32.0 - 24.225.95.255

EARTHLINK, INC. ERLK-TW-CHARLOTTE9 (NET-24-225-32-0-2)

24.225.32.0 - 24.225.47.255

# ARIN WHOIS database, last updated 2004-02-23 19:15

# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

24.239.190.23

EarthLink, Inc. ERLK-CBL-TW-NYC2 (NET-24-239-128-0-1)

24.239.128.0 - 24.239.191.255

EARTHLINK, INC. ERLK-TW-LIBERTY6 (NET-24-239-189-0-1)

24.239.189.0 - 24.239.191.255

# ARIN WHOIS database, last updated 2004-02-23 19:15

# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

24.223.213.93

Earthlink, Inc. ERLK-CBL-TW-CENTRAL (NET-24-223-128-0-1)  
24.223.128.0 - 24.223.255.255

EARTHLINK, INC. ERLK-TW-NEW6 (NET-24-223-208-0-1)  
24.223.208.0 - 24.223.215.255

# ARIN WHOIS database, last updated 2004-02-23 19:15

# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

24.223.149.238

Earthlink, Inc. ERLK-CBL-TW-CENTRAL (NET-24-223-128-0-1)  
24.223.128.0 - 24.223.255.255

EARTHLINK, INC. ERLK-TW-COLUMBUS4 (NET-24-223-144-0-1)  
24.223.144.0 - 24.223.151.255

# ARIN WHOIS database, last updated 2004-02-23 19:15

# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

65.40.150.132

OrgName: Sprint DSL Network

OrgID: SDSL

Address: 500 N New York Ave

City: Winter Park

StateProv: FL

PostalCode: 32789

Country: US

NetRange: 65.40.0.0 - 65.41.255.255

CIDR: 65.40.0.0/15

NetName: SPRINTDSL02

NetHandle: NET-65-40-0-0-1

Parent: NET-65-0-0-0-0

NetType: Direct Allocation

NameServer: DNS1.UTELFLA.COM

NameServer: DNS2.UTELFLA.COM

Comment: ADDRESSES WITHIN THIS BLOCK ARE NON-PORTABLE

RegDate: 2002-04-08

Updated: 2002-12-27

TechHandle: IA98-ARIN  
TechName: IP Administrator  
TechPhone: +1-407-741-0500  
TechEmail: support@sprint-hsd.net

OrgTechHandle: SAN6-ORG-ARIN  
OrgTechName: IP Administrator  
OrgTechPhone: +1-407-741-0500  
OrgTechEmail: ipsupport@sprintnetops.net

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

206.107.220.100  
Sprint NETBLK-SPRINT-BLKG (NET-206-104-0-0-1)  
206.104.0.0 - 206.107.255.255  
Sprint DSL Network FL DSL-NET060-LV (NET-206-107-220-0-1)  
206.107.220.0 - 206.107.220.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

24.206.105.183  
EarthLink, Inc. CABLE-TW-SOUTHWEST (NET-24-206-64-0-1)  
24.206.64.0 - 24.206.127.255  
EARTHLINK, INC. ERLK-TW-AUSTIN12 (NET-24-206-104-0-1)  
24.206.104.0 - 24.206.119.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.

-----

66.32.163.7

OrgName: EarthLink Network, Inc.  
OrgID: ERAD  
Address: 1375 PECHTREE ST, LEVEL A  
City: ATLANTA

StateProv: GA  
PostalCode: 30309  
Country: US

NetRange: 66.32.0.0 - 66.32.255.255  
CIDR: 66.32.0.0/16  
NetName: EARTHLINKDSL-2BLK  
NetHandle: NET-66-32-0-0-1  
Parent: NET-66-0-0-0-0  
NetType: Direct Allocation  
NameServer: ITCHY.MINDSPRING.NET  
NameServer: SCRATCHY.MINDSPRING.NET  
Comment:  
RegDate: 2000-10-13  
Updated: 2002-10-30

TechHandle: DAE4-ARIN  
TechName: Domain Administrator, Administrator  
TechPhone: +1-404-815-0770  
TechEmail: arinpoc@corp.earthlink.net

OrgAbuseHandle: ABUSE60-ARIN  
OrgAbuseName: ABUSE TEAM  
OrgAbusePhone: +1-404-815-0770  
OrgAbuseEmail: abuse@abuse.earthlink.net

OrgTechHandle: ELNK-ORG-ARIN  
OrgTechName: EarthLink, Inc.  
OrgTechPhone: +1-404-815-0770  
OrgTechEmail: arin\_tech@lists.corp.earthlink.net

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.

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24.199.75.69  
EarthLink, Inc. ERNK-CABLE-TW-NYC (NET-24-199-64-0-1)  
24.199.64.0 - 24.199.127.255  
EARTHLINK, INC. ERLK-TW-NYC13 (NET-24-199-64-0-2)  
24.199.64.0 - 24.199.95.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
-----

24.206.98.218  
EarthLink, Inc. CABLE-TW-SOUTHWEST (NET-24-206-64-0-1)  
24.206.64.0 - 24.206.127.255  
EARTHLINK, INC. ERLK-TW-SHREVEPORT7 (NET-24-206-98-0-1)  
24.206.98.0 - 24.206.99.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
-----

24.206.90.11  
EarthLink, Inc. CABLE-TW-SOUTHWEST (NET-24-206-64-0-1)  
24.206.64.0 - 24.206.127.255  
EARTHLINK, INC. ERLK-TW-WACO1 (NET-24-206-88-0-1)  
24.206.88.0 - 24.206.91.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
-----

24.170.184.251  
Earthlink, Inc. ERLK-CBL-TW-SOEASTERN (NET-24-170-128-0-1)  
24.170.128.0 - 24.170.191.255  
EARTHLINK, INC. ERLK-TW-CENTRALFL5 (NET-24-170-182-0-1)  
24.170.182.0 - 24.170.184.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
-----

24.239.145.217  
EarthLink, Inc. ERLK-CBL-TW-NYC2 (NET-24-239-128-0-1)  
24.239.128.0 - 24.239.191.255  
EARTHLINK, INC. ERLK-TWNYC4 (NET-24-239-139-0-1)  
24.239.139.0 - 24.239.159.255

# ARIN WHOIS database, last updated 2004-02-23 19:15  
# Enter ? for additional hints on searching ARIN's WHOIS database.  
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## **CERTIFICATE OF SERVICE**

I hereby certify that, on this 24th day of February, 2004, I caused copies of the foregoing Declaration of Seth Schoen to be served by facsimile and first-class mail, postage prepaid, on counsel for plaintiffs as follows:

James A. Lamberth  
Troutman Sanders, LLP  
Suite 5200, Bank of America Plaza  
600 Peachtree Street, N.E.  
Atlanta, GA 30308-2216  
(404) 885-3000 - telephone  
(404) 885-3995 - facsimile

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Cindy A. Cohn

Electronic Frontier Foundation  
454 Shotwell Street  
San Francisco, CA 94110  
(415) 436-9333 x 108

Attorney for Electronic Frontier  
Foundation

February 24, 2004