

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-FILED on 6/5/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Federal Trade Commission,

Plaintiff,

v.

Pricewert LLC also d/b/a 3FN.net, Triple Fiber
Network, APS Telecom, APX Telecom, APS
Communications, and APS Communication,

Defendant.

No. C-09-2407 RMW

ORDER

On June 3, 2009, the court issued a Temporary Restraining Order that, among other things, ordered data centers and upstream service providers to disconnect defendant's computer resources from the internet and suspend Internet Protocol addresses assigned to defendant. Since issuing the TRO, the court has received communications from third parties who were using defendant's hosting services for the third parties' websites. These communications raise a significant concern that there may be a number of innocent third parties who are suffering harm as a result of the TRO. Accordingly, the court is hereby directing plaintiff Federal Trade Commission to file with the court a proposal for expeditiously addressing concerns raised by third parties and minimizing any undue harm to innocent third parties. The proposal shall be filed no later than Tuesday, June 9, 2009.

DATED: 6/5/09



RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Plaintiff:**

3 Ethan Arenson earenson@ftc.gov
4 Philip Tumminio ptumminio@ftc.gov

5 **Counsel for Defendant:**

6

7 Counsel are responsible for distributing copies of this document to co-counsel that have not
8 registered for e-filing under the court's CM/ECF program.

9

10

11

Dated: 6/5/09

TER
Chambers of Judge Whyte

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28