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12 Attorneys for Defendant
Protus IP Solutions, Inc.

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION**

17 j2 GLOBAL COMMUNICATIONS,
18 INC.,

19 Plaintiff,

20 v.

21 PROTUS IP SOLUTIONS, INC., et
22 al.,

23 Defendants.

Case No. CV 06-0566-DPP (AJWx)

**PROTUS IP SOLUTIONS, INC.'S
NOTICE OF DEPOSITION OF JOE**
[REDACTED]

Discovery Cut-Off: June 8, 2009
PreTrial Conference: September 21, 2009
Trial Beginning Date: September 29, 2009

1 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(a)(1),
2 Defendant Protus IP Solutions, Inc. ("Protus"), by and through its attorneys, will
3 take the deposition upon oral examination of Joe [REDACTED] at the offices of
4 Chamberlain Hrdickas, 1200 Smith Street, Suite 1400, Houston, Texas 77002. The
5 deposition will be videotaped and recorded stenographically before a certified
6 shorthand reporter duly authorized to administer oaths commencing at 9:30 a.m. on
7 July 14, 2008, and continuing from day-to-day thereafter until completed or
8 adjourned.

9 PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 30(b)(2) of the
10 Federal Rules of Civil Procedure, attached is the materials designated for
11 production by the deponent.

12
13 Dated: June 12, 2008

Respectfully submitted,

14 MARY ANN L. WYMORE
15 ERWIN O. SWITZER
16 KEVIN F. HORMUTH
17 J. ANDREW WALKUP
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21 By J. Andrew Walkup
22 J. Andrew Walkup

23 Attorneys for Defendant Protus IP Solutions,
24 Inc.

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SCHEDULE A TO SUBPOENA

A. Instructions:

1. You must produce documents that are in your possession, custody, or control.
2. Each request for documents and things contained in connection with this Subpoena seeks production of all originals, drafts of whatever date, and non-identical copies thereof.
3. The singular of any word is intended to include the plural and vice-versa, and the conjunctive “and” to refer to and include the disjunctive “or” and vice-versa, unless the context clearly indicates otherwise.
4. If you have questions regarding this subpoena, please contact Kevin F. Hormuth, Greensfelder, Hemker & Gale, P.C., 10 South Broadway, St. Louis, Missouri 63102, telephone (314) 241-9090.

B. Definitions:

1. As used herein, the term “**Document**” or “**Documents**” is intended to be comprehensive and includes any matter encompassed by Rule 26 of the Federal Rules of Civil Procedure, including, without limitations, any written, handwritten, typed, printed, mimeographed, lithographed, duplicated, drawn, sketched, or other graphic, photographic, recorded or electronic matter of any kind or nature, including but not limited to all forms of data compilations from which information can be obtained and, if necessary, translated through detection devices into reasonably usable form, whether original or copies and all drafts thereto, and shall include, without limiting the generality of the foregoing, all letters, electronic mail, reports, notes, telegrams, correspondence, facsimiles, telexes, facsimile and telex cover sheets, tape recordings, contracts, notices, agreements, internet bulletin boards, internet chat room

transcripts, telegrams, inter-office communications, memoranda, reports, lists, analyses, summaries, records, instructions, specifications, books, papers, pamphlets, brochures, circulars, advertisements, notes, notebooks, worksheets, spreadsheets, scrapbooks, diaries, diagrams, photographs, photocopies, charts, graphs, descriptions, blueprints, maps, plats, surveys, drawings, sketches, drafts, plans, laboratory or engineering reports, minutes, board of directors minutes and resolutions, conferences, telephone calls or other conversations or communications, telephone bills and toll call records, recordings, published or unpublished speeches or articles, publications, transcripts of telephone or personal conversations or of meetings or conferences, ledgers, money orders, bills, studies, audits, inventories, tax returns, financial statements, profit and loss statements, cash flow statements, balance sheets, annual or other periodic reports, prospectuses, registrations, solicitations, minutes, stock ledgers, stock certificates, licenses, permits, calendars, appointment books, expense reports, commission statements, itineraries, agendas, payroll records, checkbooks, canceled checks, receipts, instrument assignments, applications, offers, acceptances, proposals, financing statements, documents of title, appraisals, purchase orders, invoices, bills of lading, written memorials of oral communications, forecasts, microfilm, microfiche, tape, video, disk or diskette recordings, photographic slides or negatives, films, filmstrips and computer printouts, in the possession and or control of you or any of your past or present employees, investigators, accountants, attorneys, agents, representatives, successors or assigns or known by you or any of your past or present employees, investigators, accountants, attorneys, agents, representatives, successors or assigns to exist. "Document" or "Documents" shall include all copies that differ from the original, including, but not limited to, all drafts, unexecuted, partially executed and fully executed documents or every writing or recording of every kind or description, whether different by interlineations, underlining,

marking, information not on the original, receipt stamp, notation, indication of copies sent or received, or otherwise.

2. As used herein, the term “**Communications**” is intended to be comprehensive and includes, without limitation, any documents and any exchange of words, thoughts or ideas to another person(s), whether person to person, in a group, by telephone, letter, facsimile, memoranda, telex, telegram, electronic mail or by any other process, electric, electronic or otherwise. All such communications in writing shall include, without limitation, printed, typed, handwritten, or other human or machine readable documents, correspondence, memos, reports, contracts (both initial and subsequent), diaries, calendars, log books, minutes, notes, notebooks, journals, studies, surveys and forecasts.

3. As used herein, the terms “**pertain**”, “**pertaining**”, “**relate**” or “**regarding**,” means relating in any way to, referring to, reflecting, recording, memorializing, mentioning, constituting, describing or concerning, directly or indirectly, or any way legally, logically, or factually connected with the matter discussed.

4. As used herein, the terms “**j2 Global Communications**” means and refers to j2 Global Communications, Inc. and its parents, subsidiaries, divisions, affiliates, representatives, agents, servants, employees, attorneys, accountants, investigators, predecessors, successors in interest or assigns, and anyone acting or purporting to act on its behalf or under its direction or control whether or not compensated.

5. As used herein, the term “**Protus**” means and refers to Protus IP Solutions, Inc., a Canadian corporation with its principal place of business in Ottawa, Ontario, Canada, and each of its parents, subsidiaries, divisions, affiliates, representatives, agents, servants, employees, attorneys, accountants, investigators, predecessors, successors in interest or assigns, and anyone

acting or purporting to act on its behalf or under its direction or control whether or not compensated.

6. As used herein, the term “**j2’s lawsuit**” means the lawsuit filed by j2 Global Communications in the United States District Court for the Central District of California and denominated as j2 Global Communications, Inc. v. Protus IP Solutions, Inc., Case No. CV06-0566 DDP (AJWx).

7. As used herein, the term “**including**” means including but not limited to and shall be construed without limitation.

8. As used herein, the term “**TCPA**” means the Telephone Consumer Protection Act, 47 U.S.C. § 227 and the regulations promulgated by the Federal Communications Commission pursuant to the TCPA, which includes, but is not limited to, 47 C.F.R. § 68.318(d).

9. As used herein, the term “**Person**” means all individuals and entities and, without limiting the generality of the foregoing, includes natural persons, associations, joint ventures, limited partnerships, partnerships, corporations, companies, public governmental agencies, as well as any agent, employee, attorney, accountant, investigator, representative, and/or anyone acting or purporting to act on behalf of such “**Person.**”

10. As used herein, the term “**Removal Numbers**” means any number that a Person can call to request that he or she not receive further facsimiles.

C. Documents To Be Produced

1. All Documents and Communications pertaining to j2’s lawsuit.
2. All Documents and Communications pertaining to any other lawsuit involving Protus.
3. All Documents and Communications pertaining to j2 Global Communications.

4. All Documents and Communications pertaining to Protus.
5. All Documents and Communications identifying, listing or pertaining to Protus'

Removal Numbers.

6. All Documents and Communications identifying and pertaining to all Persons from whom you received telephone numbers, which you believe to be Removal Numbers of Protus.

7. All Documents and Communications identifying any Person to whom you have transmitted or disclosed telephone numbers, which you believe to be Removal Numbers of Protus.

8. All Documents and Communications pertaining to any Communications you have had with any Person pertaining to Protus or its Removal Numbers.

9. All Documents and Communications pertaining to the identification of faxes transmitted over Protus' network.

10. All Documents and Communications with any Person regarding Protus.