

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

ACHTE/NEUNTE BOLL KINO)
BETEILIGUNGS GMBH & CO KG)
Wormserstrasse 173)
D-55130 Mainz, Germany)
Plaintiff,)
v.)
DOES 1 – 2,094)
Defendants.)

No. 1:10-cv-00453-RMC

**MOTION OF THIRD PARTY TIME WARNER CABLE INC.
TO QUASH OR MODIFY SUBPOENA**

Pursuant to Federal Rules of Civil Procedure 45(c) and 26(c), third party Time Warner Cable Inc. (“TWC”), which provides internet services under the name “Road Runner,” hereby moves the Court to quash the third party subpoena that plaintiff served on TWC. The subpoena seeks identifying information about 809 Internet Protocol (“IP”) addresses purportedly relating to TWC subscribers. The Court should quash the subpoena because the subpoena violates an agreement reached between TWC and plaintiff’s counsel to limit discovery, and because compliance with the subpoena would be excessively burdensome and expensive.

In the alternative, the Court should modify the subpoena in several ways, to protect TWC from excessive burdens and costs. First, the Court should order that TWC need not respond to more than 28 IP address lookup requests per month because that is the outer limit of what TWC can reasonably handle and because plaintiff’s counsel agreed to that limit. Second, the Court should order plaintiff to pay TWC’s costs, in advance, including the cost of each IP address

lookup, and the costs of notifying subscribers. Finally, the Court should limit the subpoena to IP addresses actually identified in the complaint.

In support of this motion, TWC relies on the accompanying memorandum of points and authorities. TWC requests oral argument.

Date: May 11, 2010

Respectfully submitted,



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