

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

)	
)	Case No. 3:04CV7210
BUCKEYE CABLEVISION, INC.)	
)	(Judge James G. Carr)
Plaintiffs,)	
v.)	
)	
SPAMCOP.NET, et al.)	
)	
Defendants.)	

DEFENDANTS' STATUS REPORT

Pursuant to the Court's order of May 19, 2004, and in accordance with Local Rules, Defendants IronPort Systems Inc., and SpamCop.Net, Inc. submit the following Status Report:

Background and Procedural History

1. On April 23, 2004, Plaintiff Buckeye Cablevision, Inc. filed a Complaint against Defendants IronPort Systems, Inc. and SpamCop.Net, Inc. including a motion for a Temporary Restraining Order and Preliminary Injunction.
2. Defendants have never been formally served with a Complaint or Summons.
3. Plaintiff's Complaint alleges that Plaintiff is an internet service provider ("ISP") and that SpamCop improperly identified several of Plaintiff's internet protocol ("IP") addresses on "block lists" of IP addresses that had generated a significant number of complaints as being the source of unsolicited bulk email, also known as "spam." During the preliminary

injunction hearing, it became apparent that the problem that Plaintiff was experiencing resulted from its assignment of dynamic IP addresses to its users. When one of its members logged on to his account that is hosted by Plaintiff, he is dynamically assigned an IP address that Plaintiff owns. However, if the member logs off and logs back onto Plaintiff's service later, he may be dynamically assigned a different IP address that Plaintiff owns. The problem with dynamically assigned IP addresses is that a sender of unsolicited bulk email may log on to his account, send numerous unsolicited emails, and log off. When a different member of Plaintiff's service logs on, he may be assigned the IP address that the sender of the bulk unsolicited email had used, and find that that IP address had been listed on a block list.

4. On April 27, 2004, this Court granted the Temporary Restraining Order, but that Order did not require SpamCop to refrain from listing dynamically assigned IP addresses on its block lists. On May 19, 2004, the Court dissolved the April 27 Order, in light of the Plaintiff's implementation of certain technical procedures that appear to have resolved the problems that were the subject of its Complaint.

Current Status

5. All of the issues raised in the Plaintiff's Complaint appear to have been resolved. Since the dissolution of the Temporary Restraining Order, Plaintiff has not notified SpamCop that it has resumed experiencing the blocking issues that were the subject of its Complaint.
6. With the dissolution of the Temporary Restraining Order, there are no longer any pending issues in this action.
7. Defendants have tried repeatedly to contact Opposing Counsel to discuss resolution of the case and voluntary dismissal, however, Plaintiff's counsel has not responded to Defendant's correspondence.

Dated: June 30, 2004

Respectfully submitted,

FENWICK & WEST LLP

/S/ TYLER G. NEWBY _____

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