

1 Q And this is the Orly Mann that we have seen previously on
2 this account?

3 A Yes.

4 Q Does this also show any kind of an identifying feature or
5 address for the computer?

6 Let me go ahead and move it up a little bit here.

7 A On the bottom portion of the page, it shows the MAC
8 address of the computer.

9 THE COURT: The which address?

10 THE WITNESS: The MAC address.

11 BY MS. DUARTE:

12 Q MAC, M-A-C?

13 A Yes.

14 Q All caps?

15 A Yes.

16 Q I won't ask you what that stands for.

17 A Okay.

18 Q Without getting too technical, what is the purpose of
19 assigning a MAC address to this account?

20 A The MAC address actually is the single identifier for a PC
21 or a computer device, and that is essentially what ties a
22 computer to an IP address at a given time.

23 Q Does that MAC address actually correspond to hardware in
24 the user's computer?

25 A It does.

1 Q So this would be the identifier for the computer that was
2 now signed up with your service?

3 A Exactly.

4 Q And looking at the second page here of Exhibit 31, we see
5 a whole bunch of numbers and things.

6 What, if anything, does page 2 tell you about the IP
7 address assigned for this particular MAC address?

8 A It correlates the two. It says that the hardware address
9 of the device is -- correlates with the IP address that was
10 given to it of 24.61.143.206.

11 Q 24.61.143.206?

12 A Yes.

13 Q That's the address I've circled up on the screen?

14 A Yes.

15 Q Now, pages 3 to the end of this exhibit contain a number
16 of entries. I'll go ahead and zero in on a little bit of it
17 here.

18 We see with some consistency this IP address here
19 that I'm underlining. What does that indicate? Are these
20 numbers all the same?

21 A Yes, they are all the same.

22 Q What does that mean?

23 A It indicates that the device with the same hardware
24 address requested and received the same IP address throughout
25 these time frames that are recorded in the logs.

1 Q What time do these -- what time frame do these records
2 cover, these records that are Exhibit 31, the remaining pages?

3 A They cover the period of February 1, 2002, to March 22,
4 2002.

5 Q Do they show that this computer identified by this MAC
6 address and this subscriber information was consistently
7 assigned the same IP address that we see throughout the
8 records?

9 A Yes.

10 Q Now, you said that the time period that the records show
11 begins in February 2002?

12 A Yes.

13 Q And were there any records available before that time for
14 this computer and this IP address?

15 A No.

16 Q Was that per the regular purging of the records?

17 A Yes.

18 Q So do you know whether or not -- this same IP address that
19 was originally assigned in November and that we see being used
20 from February on, do you know whether or not for sure that was
21 the same IP address being used in the interim?

22 A No.

23 Q Could it have been the same?

24 A It could have been the same.

25 Q Could it have been different?