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Attorneys for Defendant, AZOOGLEADS.COM, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ASIS INTERNET SERVICES, a California corporation,

Plaintiff,

vs.

OPTIN GLOBAL, INC., a Delaware Corporation, also dba Vision Media Limited Corp., USA Lenders Network, USA Lenders, and USA Debt Consolidation Service; et al.,

Defendants.

Case No. C-05-5124 JCS

**[PROPOSED] ORDER GRANTING
AZOOGLEADS.COM INC.'S MOTION
FOR SUMMARY ADJUDICATION**

Date: May 4, 2007
Time: 9:30 a.m.
Courtroom A, 15th Floor
The Honorable Joseph C. Spero

ORDER

Defendant, AzoogLeads.com Inc. ("AzoogLe")'s Motion for Summary Adjudication was presented to this Court on _____. The Court has considered the memoranda filed by both sides, oral argument of counsel, and the relevant statutory and case law, and the Court hereby concludes that:

Good cause appearing, IT IS HEREBY ORDERED THAT AzoogLe's Motion for Summary Adjudication is granted.

IT IS HEREBY FURTHER ORDERED THAT evidence that AzoogLe has a reputation as a "spammer," or has knowledge of or associations with uninvolved third

1 parties supposed to “SPAM,” is irrelevant to, and therefore inadmissible to prove, that
2 Azoogle acted with “actual knowledge, or by consciously avoiding knowing,” as is
3 required for a finding that Azoogle “procured” the Second Amended Complaint (“SAC”)’s
4 alleged unlawful emails within the meaning of CAN-SPAM.

5 IT IS HEREBY FURTHER ORDERED THAT evidence that Azoogle may
6 somehow have benefited from the alleged unlawful emails is insufficient to prove that
7 Azoogle “advertise[d]” in those emails within the meaning of California Business &
8 Professions Code Section 17529.5(a).

9 IT IS HEREBY FURTHER ORDERED THAT evidence that Azoogle has a
10 reputation as a “spammer,” or has knowledge of or associations with uninvolved third
11 parties supposed to “SPAM,” or is a member of a supposed “SPAM Cartel” organized to
12 launder marketing leads procured by means of unlawful email advertising, shall be
13 excluded as to the issue of Azoogle’s liability under Federal Rule of Evidence Section
14 404.

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17 Dated: _____

18 HONORABLE JOSEPH C. SPERO
19 Magistrate Judge, United States District
20 Court for the Northern District of California
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