

FILED LAW DIVISION

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

PM 2:08

DOROTHY BROWN  
CLERK OF THE CIRCUIT COURT  
OF COOK COUNTY, IL

JOHNS-BYRNE COMPANY, an Illinois )  
corporation, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
TECHNOBUFFALO LLC, a California )  
limited liability company; MEDIA )  
TEMPLE, INC., a California corporation; )  
GOOGLE, INC., a Delaware )  
corporation, and AT&T, INC., a Delaware )  
corporation, )  
 )  
Respondents. )

Case No.

201111009161  
CALENDAR/ROOM X  
TIME 09:00  
DISCOVERY

**JOHNS-BYRNE COMPANY'S PETITION PURSUANT TO SUPREME COURT RULE  
224 TO INITIATE DISCOVERY BEFORE SUIT**

Johns-Byrne Company ("JBC"), by its attorneys, seeks an order pursuant to Illinois Supreme Court Rule 224 allowing it to initiate discovery before suit against TechnoBuffalo LLC ("TechnoBuffalo"), a California limited liability company, Media Temple, Inc. ("Media Temple"), a California corporation, Google, Inc. ("Google"), a Delaware corporation, and AT&T, Inc. ("AT&T"), a Delaware corporation. In support of this petition, JBC states as follows:

1. On and prior to August 16, 2011, JBC was performing printing and marketing services for a certain client (the "Client").
2. As represented by the Client, the information provided to JBC was a confidential trade secret belonging to the Client.

3. On or about August 16, 2011, an unknown individual (the "Perpetrator") used an Apple iPhone, or similar device, to capture images of the Client's confidential trade secret, possibly on JBC's premises.

4. Shortly thereafter, the Perpetrator caused the images of the Client's confidential trade secret to be submitted to a website known as TechnoBuffalo.com, either via data transfer provided by AT&T or via an unknown electronic mail hosting service.

5. Based on the information currently available to JBC, the Perpetrator may have been an employee of JBC. As such, that employee breached his or her duty of loyalty to JBC when he or she captured the images of the Client's trade secret and posted those images on a public website.

6. On information and belief, AT&T provides wireless phone and data service for the Apple iPhone likely used by the Perpetrator to commit the offense.

7. On information and belief, TechnoBuffalo.com is owned and operated by TechnoBuffalo.

8. On information and belief, Media Temple provides web hosting services for TechnoBuffalo.com.

9. On information and belief, Google provides electronic mail hosting services for TechnoBuffalo.com.

10. Shortly after receiving the images from the Perpetrator, TechnoBuffalo caused the images to be displayed on TechnoBuffalo.com.

11. Under Illinois law, the Perpetrator may be liable for theft of confidential trade secrets and breach of his duties of loyalty to JBC.

12. On information and belief, the Respondents, TechnoBuffalo, Media Temple, Google, and AT&T have information pertaining to the identity of the Perpetrator.

13. Accordingly, JBC seeks to take discovery from TechnoBuffalo, Media Temple, Google, and AT&T to determine the identity of the Perpetrator, or, alternatively, the internet service provider and electronic mail address of the Perpetrator.

**Discovery Requested**


14. JBC seeks discovery against the named Respondents as set forth on the Rider attached to this Petition.

15. JBC further seeks leave to take the depositions of Respondents upon its receipt of the requested documents.

16. The proposed discovery is necessary since JBC has no independent means to obtain the documentation or otherwise identify persons that may be liable to JBC.

WHEREFORE, Johns-Byrne Company respectfully prays that this Court (i) grant it leave to issue discovery against the named Respondents consistent with this petition and (ii) award it such further relief as may be just.

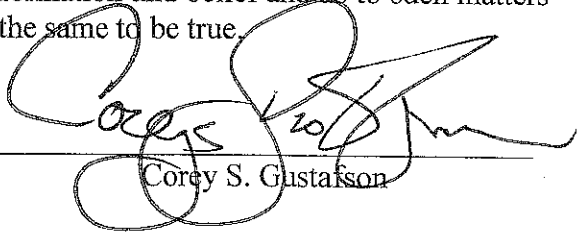
JOHNS-BYRNE COMPANY

By:   
One of its attorneys

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David A. Eisenberg  
Much Shelist Denenberg Ament  
& Rubenstein, P.C.  
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VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he believes the same to be true.



Corey S. Gustafson

## Rider to Petition for Discovery Pursuant to Rule 224

### Definitions

1. "Person" means a natural person.
2. "TechnoBuffalo" shall refer to TechnoBuffalo LLC, its subsidiaries, parent companies, agents, representatives, officers, directors, members, managers, attorneys, accountants, employees, and/or anyone acting at its direction and/or on its behalf or at its request.
3. "Media Temple" shall refer to Media Temple, Inc., its subsidiaries, parent companies, agents, representatives, officers, directors, members, managers, attorneys, accountants, employees, and/or anyone acting at its direction and/or on its behalf or at its request.
4. "Google" shall refer to Google, Inc., its subsidiaries, parent companies, agents, representatives, officers, directors, members, managers, attorneys, accountants, employees, and/or anyone acting at its direction and/or on its behalf or at its request.
5. "AT&T" shall refer to AT&T, Inc., its subsidiaries, parent companies, agents, representatives, officers, directors, members, managers, attorneys, accountants, employees, and/or anyone acting at its direction and/or on its behalf or at its request.
6. "TechnoBuffalo.com" refers to the website, TechnoBuffalo.com, its subsidiaries, parent companies, agents, representatives, officers, directors, members, managers, attorneys, accountants, employees, and/or anyone acting at its direction and/or on its behalf or at its request.
7. "Document" is defined in the broadest sense possible and shall include all written, printed, typed, transcribed, punched, taped, filmed, or other graphic matter of every kind and a description whatsoever from which information can be obtained, including, but not limited to, tape recordings, electronic mail, and any information stored on computer discs and databases, and shall include all drafts and non-identical copies of documents.

8. The term "communication" is meant to include all means by which thoughts, words, messages, or information are exchanged, whether orally, in writing or electronically.

**Instructions**

1. Each document request below shall be construed independently and, unless otherwise indicated, no request limits the scope of any other request.

2. The documents called for by this request include all documents in your possession, custody, or control wherever located.

3. If any document is withheld under a claim of privilege or on any other basis, you are requested to furnish a log identifying the following information in sufficient detail to test the claim of privilege or other basis of nonproduction:

a. The nature of the claim of privilege or the ground for nonproduction;

b. The author of the document and the addressee(s) and the name of each person to whom copies were furnished, together with his or her employer and job title, if applicable; and

c. The date, subject matter, and the number of pages in the document.

4. If any document covered by this request has been destroyed, you are requested to state, as to each such document, its date, author, recipient, and the circumstances of its destruction.

**DOCUMENTS REQUESTED**

1. For the period of August 11, 2011 through August 17, 2011, all communications between TechnoBuffalo or TechnoBuffalo.com and any person or entity related to the TechnoBuffalo.com post attached as Exhibit A.

2. The identity of any person or entity communicating with TechnoBuffalo or TechnoBuffalo.com regarding the TechnoBuffalo.com post attached as Exhibit A.

3. For the period of August 11, 2011 through August 17, 2011, all documents received by TechnoBuffalo or TechnoBuffalo.com from any person or entity related to the TechnoBuffalo.com post attached as Exhibit A.

4. The identity of any person or entity providing documents to TechnoBuffalo or TechnoBuffalo.com regarding the TechnoBuffalo.com post attached as Exhibit A.

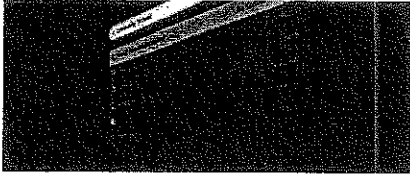
# **EXHIBIT A**





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Posted on August 17, 2011 in Phones by Emily Price

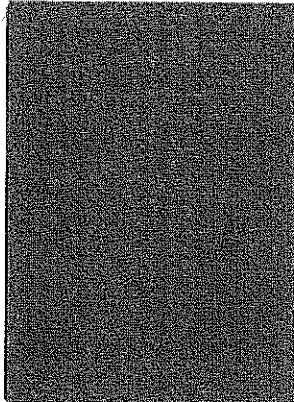
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Thanks to an anonymous tipster we now know a little more about the upcoming [redacted]. These images of the Tips and Tricks manual for the phone fell into our inbox late last night, and reveal a few details about what we can expect from the highly-anticipated [redacted] handset.

4.3"qHD display

We've heard a few rumors that [redacted] would be getting a 4.5" display. The key features page for the phone indicates; however, that we'll only see a 4.3" display on the phone just like [redacted]



Webtop Apps/Wireless Printing

It looks like [redacted] will be offering the same connectivity options for [redacted] that it did for [redacted]. The handset can be connected to an optional dock to be used like a laptop or desktop computer, and will sport full Firefox browsing with multi-window support. The phone will also have new widgets, and [redacted] support for printing to Wifi-enabled printers. [redacted] will also have a "bedside mode" for being used as an alarm clock, and HDMI-out with mirror mode for viewing content on the big screen (with a dock option likely available for that functionality as well).

[redacted] will be offering [redacted] along with the phone which allows you to remotely access and stream files from your home computer to the handset. [redacted] is available on some other [redacted] handsets, and can be used to stream both video and music, as well as view photos and other documents.

Camera

[redacted] will have an 8-megapixel camera with LED flash and 1080p video recording capabilities, it will also have a forward-facing cam that can be used for video chatting over WiFi, 3G, and 4G networks.

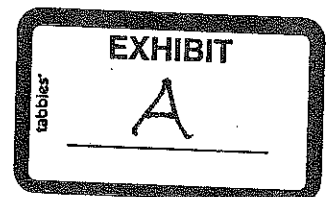
Three microphones

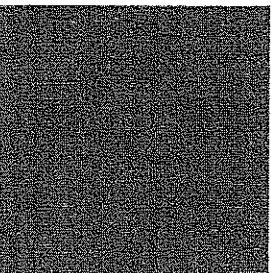
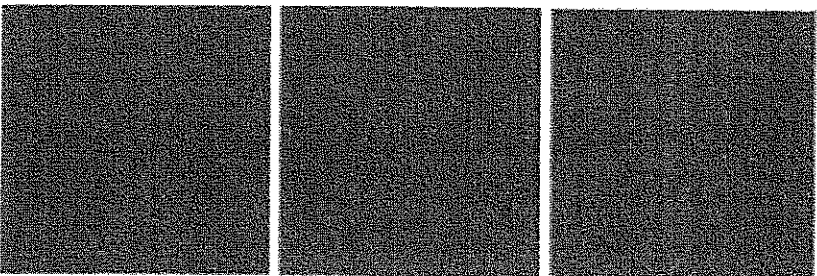
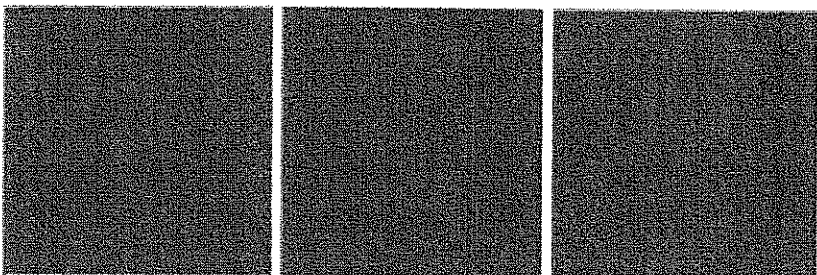
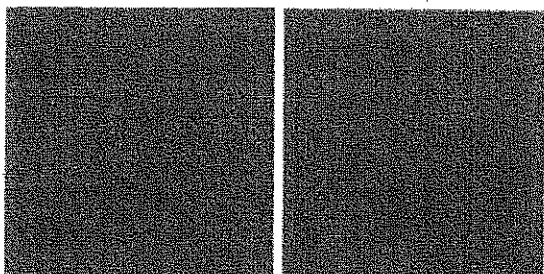
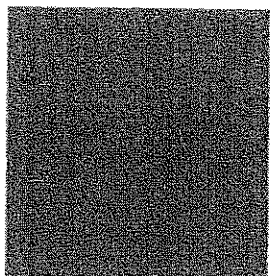
[redacted] will have three microphones located in different locations on the device.

Mobile hotspot

[redacted] will be able to be used as a wireless hotspot for up to 8 devices.

A previous Verizon leak has [redacted] hitting store shelves on [redacted]. What do you think? Anyone planning on grabbing one of these next month?





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