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8 *Attorneys for Plaintiff Google LLC*

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 GOOGLE LLC,

13 Plaintiff,

14 v.

15 NGUYEN VAN DUC, PHAM VAN THIEN,
16 and DOES 1-20,

17 Defendants.

Case No. 23-cv-5824-SK

**DECLARATION OF RHETT O.
MILLSAPS II IN SUPPORT OF
PLAINTIFF'S APPLICATION FOR
ENTRY OF DEFAULT BY CLERK
UNDER FRCP 55(a)**

Assigned to: Hon. Sallie Kim

1 I, Rhett O. Millsaps II, declare as follows:

2 1. I am a member of the law firm Lex Lumina PLLC and counsel for Plaintiff Google LLC.
3 I submit this declaration based on personal knowledge and following reasonable investigation. If called
4 as a witness, I could testify competently to the truth of each statement.

5 2. On November 22 and December 4, 2023, Google served Defendants Nguyen Van Duc
6 and Pham Van Thien with the Summons and Complaint in the manner authorized by the Court's order
7 permitting alternative service. *See* ECF No. 19. On April 22, 2024, Google filed a Certificate of
8 Service with the Court verifying that service had been perfected. *See* ECF No. 23.

9 3. Under Rule 12 of the Federal Rules of Civil Procedure, Defendants were required to file
10 a response within 21 days of service, which was perfected on December 4, 2023. Defendants thus were
11 required to respond by December 26, 2023.¹

12 4. As of the date of this declaration, Defendants have failed to file a responsive pleading
13 or motion.

14 5. On information and belief, Defendants are neither minors nor incompetent persons.

15 I declare under penalty of perjury that the foregoing is true and correct to the best of my
16 knowledge.

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18 Dated: April 22, 2024
19 Los Angeles, California

By: /s/ Rhett O. Millsaps II
Rhett O. Millsaps II

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¹ Because Defendants' original deadline fell on December 25, 2023, a federal holiday, Defendants'