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ATTORNEYS FOR MOVANT
SI03, INC.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

SI03, INC.,)	MISC. CASE NO. 07-6311-EJL
)	
Plaintiff,)	(Civil Case No. 07 C 3266
)	Northern District of Illinois)
v.)	
)	AFFIDAVIT OF
BODYBUILDING.COM, LLC,)	GREG DAVIS
)	
Defendant.)	

AFFIDAVIT OF GREG DAVIS

I, GREG DAVIS, being duly sworn, do hereby declare, testify and state as follows:

1. I am a resident and citizen of the State of Missouri.

2. I serve as President of SI03, Inc. (“SI03”). Based on my capacity as President of SI03, I have the knowledge from which to make the following statements.

3. SI03 owns and markets the Syntrax brand within the United States and internationally.

4. The domain www.syntrax.com resolves to www.si03.com.

5. Both SI03 and the Syntrax brand have a strong Internet presence that is responsible for a significant portion of the ultimate sales SI03 obtains through the Syntrax brand.

6. Syntrax Innovations, Inc. is not the same as SI03, Inc.

7. Since 2006, anonymous and pseudonymous individuals have escalated a campaign and conspiracy to defame and disparage SI03 and the Syntrax brand of products.

8. These individuals have made statements about SI03, Inc. Although at times the statements reference “Syntrax,” the individuals making the statements and the forum audience understand the statements to reference SI03 and its Syntrax line of products.

9. Fyre and Spyce are SI03 products.

10. Matrix 5.0 is an SI03 product.

11. Hyper H is an SI03 product.

12. Swole V3 is an SI03 product.

13. Eight of the pseudonymous individuals for which identifying information has been sought (“EMISGOD”, “Flagg3”, “Nathan518”, “RobW”, “Androgenic”, “INGENIUM”, “aoba”, and “Keithc82”) use Syntrax and SI03 interchangeably in their Bodybuilding.com postings or refer to “Syntrax/SI03” in their postings. Representative posts by these individuals are attached hereto as Exhibit A-1.

14. The posts and statements attached hereto as Exhibit A-1 represent true, accurate and authentic representations of the posts and statements as they appeared on the website www.bodybuilding.com.

15. Additionally, five of the pseudonymous individuals (“cxm”, “deserusan”, “Ephedra”, “dwm230000”, and “Seth25”) talk about Syntrax in the context of discussing SI03, Inc. products that were never produced by Syntrax Innovations, Inc. Representative posts by these individuals are attached hereto as Exhibit A-2.

16. The posts and statements attached hereto as Exhibit A-2 represent true, accurate and authentic representations of the posts and statements as they appeared on the website www.bodybuilding.com.

17. Six additional pseudonymous individuals (“Aeternitatis”, “BuckeyeMuscle”, “chimplico”, “ElMariachi,” “getbusted”, and “dito”) speak of Syntrax in boards clearly dedicated to SI03 products. Representative posts by these individuals are attached hereto as Exhibit A-3.

18. The posts and statements attached hereto as Exhibit A-3 represent true, accurate and authentic representations of the posts and statements as they appeared on the website www.bodybuilding.com.

19. Similarly, “uhockey” speaks of SI03 in a board clearly dedicated to Syntrax. A representative post by this individual is attached hereto as Exhibit A-4.

20. The post and statements attached hereto as Exhibit A-4 represent true, accurate, and authentic representations of the posts and statements as they appeared on the website www.bodybuilding.com.

21. “Bloute” reposts and responds to an individual’s explanation of SI03’s purchase of the Syntrax name. Additionally, “CanadaBBoy” explains that he has lost all respect for Syntrax due to comments made by an SI03 board representative who started the discussion thread and calls himself “SI03 Board Rep.” Representative posts by these individuals are attached hereto as Exhibit A-5.

22. The posts and statements attached hereto as Exhibit A-5 represent true, accurate and authentic representations of the posts and statements as they appeared on the website www.bodybuilding.com.

23. The aforementioned individuals for which identifying information has been sought clearly mean “Syntrax” to refer to SI03, Inc. and its Syntrax line of products.

24. Beginning July 9, 2007, I began discussions with representatives of Bodybuilding.com, LLC regarding its production of information related to certain pseudonymous users of its forums relevant to the Complaint filed in the United States District Court, Northern District of Illinois. In these discussions, I attempted to informally resolve matters with Bodybuilding.com, LLC. These efforts failed.

25. After the efforts to informally resolve matters with Bodybuilding.com failed, SI03 instructed its counsel to proceed with a formal subpoena.

26. Bodybuilding.com, LLC has previously, through its agents, freely disclosed IP addresses of its users. Posts reflecting this disclosure are attached hereto as Exhibit A-6

27. The posts and statements attached hereto as Exhibit A-6 represent true, accurate and authentic representations of the posts and statements as they appeared on the website www.bodybuilding.com.

28. The statements made by these anonymous and pseudonymous individuals have directly prejudiced SI03, Inc. in its business and industry.

I declare under the penalty of perjury that the foregoing are true and correct statements.

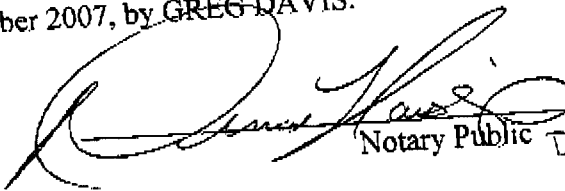
Dated this 28 th day of December 2007.



Greg Davis

STATE OF MISSOURI)
)SS:
COUNTY OF Scott)

The foregoing AFFIDAVIT OF GREG DAVIS has been subscribed and sworn to me before this 28 th day of December 2007, by GREG DAVIS.



Notary Public Denise Haislip

My Commission Expires: 8-5-09

