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 FACEBOOK, INC.
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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

12 DANIEL M. MILLER,
 13 Plaintiff,
 14 v.
 15 FACEBOOK, INC. and YAO WEI YEO,
 16 Defendants.

Case No. 3:10-CV-00264 (WHA)

**[JOINT] STIPULATION OF
 UNDISPUTED FACTS**

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1 Defendant Facebook, Inc. ("Facebook") and Plaintiff Daniel M. Miller ("Miller"), by and
2 through their respective counsel of record, hereby stipulate as follows:

3 WHEREAS, the dispositive motion deadline in this action is March 3, 2011;

4 WHEREAS, the Court's Supplemental Order to Order Setting Initial Case Management
5 Conference dated January 28, 2010 suggests that the parties agree on undisputed facts for the
6 purpose of summary judgment motions;

7 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties,
8 through their respective counsel, that:

9 1) Plaintiff Daniel Miller registered for a Facebook user account on February 12, 2006;

10 2) Plaintiff Daniel Miller is and has been a continuous and active user of Facebook since
11 2006 when he registered for a Facebook account.

12 Dated: March 3, 2011

ORRICK, HERRINGTON & SUTCLIFFE LLP

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14 /s/ Julio Avalos

Julio C. Avalos
Attorneys for Defendant
FACEBOOK, INC.

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17 Dated: March 3, 2011

HENINGER GARRISON & DAVIS LLC

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19 /s/ Brian Hancock

BRIAN HANCOCK
Attorneys for Plaintiff
DANIEL M. MILLER

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24 **Filer's Attestation:** Pursuant to General Order No. 45, §X(B), I attest under penalty of
25 perjury that concurrence in the filing of the document has been obtained from its signatory.

26 Dated: March 3, 2011

Respectfully submitted,

27 /s/ Julio Avalos

JULIO C. AVALOS