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 FACEBOOK, INC.

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

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

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

**DECLARATION OF JULIO C.
 AVALOS IN SUPPORT OF
 FACEBOOK'S MOTION FOR
 SUMMARY JUDGMENT RE
 BREACH OF CONTRACT
 COUNTER CLAIMS**

Date: April 7, 2011
 Time: 8:00 A.M.
 Court: Courtroom 9, 19th Floor
 Judge: Honorable William Alsup

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1 I, Julio C. Avalos, declare as follows:

2 1. I am an associate at the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
3 to Defendant Facebook, Inc. (“Facebook”). I make this Declaration in support of Facebook’s
4 Motion for Summary Judgment re Breach of Contract Counterclaims. I am a member of, and in
5 good standing with, the Bar of the State of California and am admitted to practice before this
6 Court. I make this declaration of my own personal knowledge unless otherwise indicated herein.
7 If called as a witness, I could and would testify competently to the truth of the matters set forth
8 herein.

9 2. Attached hereto as **Exhibit A** are true and correct copies of excerpts of the
10 deposition transcript of Daniel M. Miller, dated February 7, 2011.

11 I declare under penalty of perjury under the laws of the United States that the foregoing is
12 true and correct and that this declaration was hereby executed at Menlo Park, California this 3rd
13 day of March 2011.

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/s/ Julio C. Avalos
JULIO C. AVALOS