

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DANIEL M. MILLER,

Plaintiff,

v.

FACEBOOK, INC.; and YAO WEI YEO,

Defendants.

Case No. 1:09-CV-2810

**DECLARATION OF TINA
DOSHI IN SUPPORT OF
FACEBOOK INC.'S MOTION
TO TRANSFER VENUE**

I, Tina Doshi, declare as follows:

1. I am an employee of Facebook, Inc. (“Facebook”) and am Facebook’s Law Enforcement Contact Team Leader. I make this declaration in support of Facebook's motion to transfer venue. Except as otherwise noted, I have personal knowledge of the facts stated herein and if called as a witness, could and would competently testify thereto.

2. Facebook’s headquarters and principal place of business is 1601 S. California Avenue in Palo Alto, California. Facebook’s documentary evidence relating to this matter is located in California. For instance, Facebook’s business records are located in California. Further, the Facebook employees and witnesses that may testify and provide evidence in Facebook’s defense in this case are located in the Northern California area.

3. On information and belief, Plaintiff Daniel Miller created a Facebook account on February 12, 2006. This belief is based on business records maintained by Facebook in the normal scope and conduct of its business operations as well as admissions made by Plaintiff in his Complaint. According to Facebook’s business records, the email address k2xl.com@gmail.com was used to create a Facebook account on February 12, 2006. Together with this email address, the registrant of the account listed his Facebook alias as “dannymiller3.” According to Paragraph 12 of Plaintiff’s Complaint, “*Boomshine* was published by Plaintiff on the Internet

on the website K2xl.com starting at March 9, 2007.” Based on my review of these records, Plaintiff Daniel “Danny” Miller agreed to Facebook’s Terms of Use on February 12, 2006. Attached hereto as **Exhibit A** is a true and correct copy of the Facebook Terms of Use effective on that date.

4. Anyone who registered to use Facebook’s website at facebook.com on or about February 12, 2006 was required to signify that they had read and agreed to be bound by Facebook’s Terms of Use.

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5. As part of the Facebook registration process in place on or about February 12, 2006, would-be Facebook users were required to navigate through a series of registration prompts and web pages. At one of the final registration pages, would-be registrants were required to check a box next to the provision: “I have read and agree to the Terms of Use.” The phrase “Terms of Use” was hyperlinked to the Facebook Terms of Use. That is, by clicking on the words “Terms of Use,” a user would be sent to a webpage where they could review the Facebook Terms of Use. After checking the appropriate box, a user would then click on a “Register Now” button to continue and finalize the registration process. A true and correct copy of the registration page operative at the time that Mr. Miller joined Facebook is attached hereto as **Exhibit B**. Registration as a Facebook user on or about February 12, 2009 could not be completed unless the would-be user completed the foregoing steps.

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

Executed this 2nd day of December, at Palo Alto, California.


Tina Doshi