

EXHIBIT A

1 NEEL CHATTERJEE (STATE BAR NO. 173985)
nchatterjee@orrick.com
2 MORVARID METANAT (STATE BAR NO. 268228)
mmetanat@orrick.com
3 ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
4 Menlo Park, California 94025
Telephone: +1-650-614-7400
5 Facsimile: +1-650-614-7401

6 Attorneys for Defendant
FACEBOOK, INC.
7

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

12 DANIEL M. MILLER,

13 Plaintiff,

14 v.

15 FACEBOOK, INC. and YAO WEI YEO.,

16 Defendants.
17

Case No. 5:10-cv-00264 (WHA)

**DECLARATION OF COLIN S.
STRETCH**

18 I, Colin S. Stretch, declare as follows:

19 1. I am Deputy General Counsel for Facebook, Inc. I oversee numerous litigation
20 and regulatory matters for Facebook. I have been in this position since February 2010.

21 Previously, I was a partner at Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC, in
22 Washington, D.C. I make this declaration based upon my personal knowledge.

23 2. I submit this declaration in response to the Court's May 31, 2011, Notice to Parties
24 re June 9, 2011 Hearing [Doc. 153].

25 3. On July 2, 2010, I learned that someone purporting to be Mr. Yeo contacted our
26 outside counsel. Craig Clark and I returned the call and participated in a short telephone call with
27 an individual who identified himself as Mr. Yeo. The call lasted approximately five minutes.
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1 4. The Court's May 31 Notice asks:

2 What, exactly, was said during the July 2010 phone conversation
3 between Facebook attorneys, including Craig Clark, and defendant?
4 Did Facebook's attorneys mention anything about defendant not
 needing to respond to the lawsuit unless he had personally received
 any documents or that could be construed as such?

5 5. With respect to the Court's first question, I have conducted a thorough search for
6 contemporaneous notes and other materials to try to refresh my recollection of the brief
7 conversation. However, in light of the passage of time since the call, I cannot recall the specific
8 details of what was said during the phone call. My best recollection of the brief call is as
9 follows:

- 10 • As Mr. Clark noted in his September 2, 2010, Declaration in Support of Facebook,
11 Inc.'s Reply in Support of Motion to Dismiss Pursuant to Fed. R. Civ. P. 41(b), we
12 explained to Mr. Yeo that we worked for and represented Facebook, that we could not
13 offer legal advice, and that he should consult with his own counsel regarding the case.
14 We believe we made this point at least twice, perhaps more. It was the central point
 we conveyed to Mr. Yeo on the call.
- 15 • Mr. Yeo asked about the status of the case. We told him that we were seeking
16 dismissal of the case. Although I don't recall specifically, we may have further
17 informed Mr. Yeo that the basis for our request for dismissal was that, as far as we
18 were aware, Mr. Miller had not served Mr. Yeo.
- 19 • Mr. Yeo inquired into the nature of Mr. Miller's allegations. I believe we told him
20 that Mr. Miller claimed that Mr. Yeo's "ChainRxn" game had been created by copying
21 the code of Mr. Miller's "Boomshine" game. Mr. Yeo denied the allegation of
22 copying and told us he had not copied Mr. Miller's code.
- 23 • As Mr. Clark explained in his prior declaration, we told Mr. Yeo that we intended to
24 contact counsel for Mr. Miller to inform him that Mr. Yeo had contacted Facebook.
25 We also told him we intended to give Mr. Yeo's phone number to counsel for
 Mr. Miller.

26 6. The Court has also asked whether any Facebook representative said anything
27 during this phone call that could have been construed as advising Mr. Yeo that he need not
28 respond to the lawsuit unless served personally. I believe that, at some point during the call, Mr.

1 Yeo may have stated that he had not received a copy of the lawsuit and asked how he would
2 know if he had been served. Although I do not recall exactly what we said in response – and
3 although I cannot speculate as to Mr. Yeo’s interpretation of our response – I do not recall any
4 statement by Mr. Clark or me that could reasonably have been construed as a suggestion to Mr.
5 Yeo that he need not respond to the lawsuit unless he had personally received service. Again, our
6 central point, which we made at least twice and which I believe we emphasized at this point in the
7 conversation, was that we could not advise Mr. Yeo in any respect and that he should consult his
8 own lawyers with any questions he might have.

9 I declare under penalty of perjury under the laws of the United States that the foregoing is
10 true and correct. Executed Wednesday, June 8, 2011, at Palo Alto, California.

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12 _____
COLIN S. STRETCH

EXHIBIT B

1 NEEL CHATTERJEE (STATE BAR NO. 173985)
nchatterjee@orrick.com
2 MORVARID METANAT (STATE BAR NO. 268228)
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3 ORRICK, HERRINGTON & SUTCLIFFE LLP
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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12 DANIEL M. MILLER,

13 Plaintiff,

14 v.

15 FACEBOOK, INC. and YAO WEI YEO,

16 Defendants.

Case No. 5:10-cv-00264 (WHA)

**DECLARATION OF CRAIG W.
CLARK**

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18
19 I, Craig W. Clark, declare as follows:

20 1. I am Lead Counsel for Facebook, Inc. I oversee certain litigation matters for
21 Facebook and report to Colin S. Stretch, Deputy General Counsel. I was one of the supervising
22 lawyers on the about captioned matter. I make this declaration based upon my personal
23 knowledge.

24 2. I submit this declaration in response to the first and second questions in the
25 Court's May 31, 2011, Notice to Parties re June 9, 2011 Hearing [Doc. 153].

26 3. I have reviewed my September 2, 2010 declaration submitted in this matter. That
27 declaration remains accurate to the best of my recollection.
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1 4. I have also reviewed the Declaration of Colin S. Stretch, filed contemporaneously
2 herewith. His testimony is also consistent with my recollection of the July 2, 2010 call discussed
3 therein.

4
5 I declare under penalty of perjury under the laws of the United States that the foregoing is
6 true and correct. Executed Wednesday, June 08, 2011 at Palo Alto, California.

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10 CRAIG W. CLARK

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