

1 I. NEEL CHATTERJEE (STATE BAR NO. 173985)  
 nchatterjee@orrick.com  
 2 THOMAS GRAY (STATE BAR NO. 191411)  
 tgray@orrick.com  
 3 JULIO C. AVALOS (STATE BAR NO. 4476370)  
 javalos@orrick.com  
 4 ORRICK, HERRINGTON & SUTCLIFFE LLP  
 1000 Marsh Road  
 5 Menlo Park, CA 94025  
 Telephone: 650-614-7400  
 6 Facsimile: 650-614-7401

7 Attorneys for Defendant  
 FACEBOOK, INC.

8  
 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. 5:10-CV-00264 (WA)

**DECLARATION OF THERESA A. SUTTON IN SUPPORT OF FACEBOOK INC.'S OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT**

Date: May 27, 2010  
 Time: 8:00 A.M.  
 Court: Courtroom 9, 19th Floor  
 Judge: Honorable William Alsup

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I, Theresa A. Sutton, declare as follows:

1. I am an associate at the law firm of Orrick, Herrington & Sutcliffe, counsel for Defendant Facebook, Inc. in this action, and a member of the Bar of the state of California. I make this declaration in support of Facebook’s Opposition to Plaintiff’s Motion for Leave to Amend Complaint. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Boomshine copyright registration as located on the internet at <http://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi>.

I declare the foregoing is true and correct to the best of my knowledge.

Executed this 6th day of May 2010, at Menlo Park, California.

*/s/ Theresa A. Sutton /s/*  
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Theresa A. Sutton