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22 Attorneys for Plaintiff,  
23 DANIEL M. MILLER

24 UNITED STATES DISTRICT COURT  
25 NORTHERN DISTRICT OF CALIFORNIA  
26 SAN FRANCISCO DIVISION

27 DANIEL M. MILLER,  
28 Plaintiff,  
29 vs.  
30 FACEBOOK, INC. and YAO WEI YEO,  
31 Defendants.

32 ) CASE NO.: CV-10-264 (WHA)  
33 )  
34 ) **PLAINTIFF'S ANSWER TO**  
35 ) **DEFENDANT FACEBOOK, INC.'S**  
36 ) **COUNTERCLAIMS**  
37 )  
38 ) Judge: Honorable William H. Alsup  
39 )  
40 )  
41 )  
42 )

1 Pursuant to Rules 8 and 12 of the Federal Rules of Civil Procedure, Plaintiff Daniel M.  
2 Miller ("Plaintiff") hereby Answers the Counterclaims asserted against him by Defendant  
3 Facebook, Inc. (Dkt. No. 71):

4 **ANSWER**

5 1. Plaintiff specifically admits to Averments 3, 11, and 13 and denies all other  
6 averments and allegations in Facebook's Counterclaims and demands strict proof thereof.  
7

8 **AFFIRMATIVE DEFENSES**

9 Further answering Facebook's Counterclaims, the Plaintiff asserts the following defenses  
10 and reserves the right to amend his Answer with additional defenses as further information is  
11 obtained:

12 2. Each of Facebook's claims fails to state facts sufficient to constitute a cause of  
13 action.  
14

15 3. Each of Facebook's claims are barred by the doctrine of estoppel.

16 4. Each of Facebook's claims are barred by failure of consideration.

17 5. Each of Facebook's claims are barred by fraud.

18 6. Each of Facebook's claims are barred by the doctrine of waiver.

19 7. Each of Facebook's claims are barred by the doctrine of unclean hands.

20 8. Each of Facebook's claims are barred by this Court's lack of subject matter  
21 jurisdiction over said claims.  
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23 9. Each of Facebook's claims are barred as this Court is an improper venue for said  
24 claims.  
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Dated: August 30, 2010

Respectfully submitted,

s/ Brian D. Hancock  
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