

1 DURIE TANGRI LLP  
 MARK A. LEMLEY (SBN 155830)  
 2 mlemley@durietangri.com  
 JOSEPH C. GRATZ (SBN 240676)  
 3 jgratz@durietangri.com  
 217 Leidesdorff Street  
 4 San Francisco, CA 94111  
 Telephone: 415-362-6666  
 5 Facsimile: 415-236-6300

6 BRACEWELL & GIULIANI LLP  
 CONOR M. CIVINS  
 7 conor.civins@bgllp.com  
 EDWARD A. CAVAZOS  
 8 ed.cavazos@bgllp.com  
 111 Congress Avenue, Suite 2300  
 9 Austin, TX 78701  
 Telephone: 512-472-7800  
 10 Facsimile: 800-404-3970

11 Attorneys for Defendant  
 LAMEBOOK, LLC  
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13 IN THE UNITED STATES DISTRICT COURT  
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

16 FACEBOOK, INC., a Delaware corporation,

17 Plaintiff,

18 v.

19 LAMEBOOK, LLC, a Texas limited liability  
 20 company,

21 Defendant.  
 22

Case No. 3:10-CV-05048-RS

**DECLARATION OF JOSEPH C. GRATZ IN  
 SUPPORT OF DEFENDANT LAMEBOOK,  
 LLC'S MOTION TO DISMISS**

Date: March 31, 2011

Time: 1:30 P.M.

Ctrm: 3

Judge: Honorable Richard Seeborg

1 I, Joseph C. Gratz, declare as follows:

2 1. I am an attorney licensed to practice law in the state of California and am a partner with  
3 the law firm of Durie Tangri LLP, counsel for defendant Lamebook, LLC in the above-captioned action.  
4 I have knowledge of the facts set forth herein and, if called to testify as a witness thereto, could do so  
5 competently under oath.

6 2. Attached hereto as Exhibit 1 is a true and correct copy of the complaint filed on  
7 November 4, 2010 by Lamebook, LLC against Facebook, Inc. in the United States District Court for the  
8 Western District of Texas, Austin Division, Case No. 1:10-cv-833-SS (the "Texas Action").

9 3. Attached hereto as Exhibit 2 is a true and correct copy of ECF No. 21 in the Texas Action,  
10 titled "Plaintiff Lamebook, LLC's Response to Defendant Facebook, Inc.'s Motion to Dismiss Complaint  
11 for Declaratory Judgment."

12 4. Attached hereto as Exhibit 3 is a true and correct copy of ECF No. 21-1 in the Texas  
13 Action, titled "Declaration of Conor M. Civins in Support of Plaintiff Lamebook, LLC's Response to  
14 Defendant Facebook, Inc.'s Motion to Dismiss Complaint for Declaratory Judgment," with  
15 accompanying Exhibits A through D.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
17 and correct.

18 Executed this 23rd day of February, 2011, in San Francisco, California.

19  
20 /s/ Joseph C. Gratz  
21 JOSEPH C. GRATZ

1 **CERTIFICATE OF SERVICE**

2 I certify that all counsel of record is being served on February 23, 2011 with a copy of this  
3 document via the Court's CM/ECF system.

4  
5 /s/ Joseph C. Gratz  
6 Joseph C. Gratz  
7 Attorneys for LAMEBOOK, LLC  
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