

# **EXHIBIT 3**

# **DECLARATION OF CHRISTEN M. R. DUBOIS**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

LAMEBOOK, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:10-cv-00833
	)	
FACEBOOK, INC.,	)	
	)	
Defendant.	)	
	)	

**DECLARATION OF CHRISTEN M.R. DUBOIS  
IN SUPPORT OF DEFENDANT FACEBOOK, INC'S MOTION TO DISMISS  
COMPLAINT FOR DECLARATORY JUDGMENT**

I, Christen M.R. Dubois, declare as follows:

1. I am an attorney licensed to practice law in the State of California, and I am an associate at the law firm of Cooley LLP, counsel of record for defendant Facebook, Inc. ("Facebook").

2. I submit this declaration in support of Facebook's Motion to Dismiss Complaint for Declaratory Judgment, filed concurrently herewith. I have personal knowledge of the facts set forth herein. At the time of the matters described herein, I was serving as in-house trademark counsel to Facebook.

3. On or around April 1, 2010 I spoke with Conor Civins, counsel for Plaintiff. During the call, I told Mr. Civins that Plaintiff's use of the LAMEBOOK trademark and domain name was not acceptable, and that Facebook was prepared to pursue legal action if Plaintiff refused to change its name. Mr. Civins represented during the call that Plaintiff was interested in reaching an amicable resolution to the dispute.

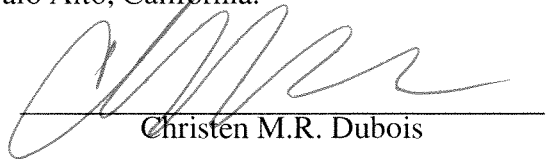
4. I subsequently exchanged emails and telephone calls with Mr. Civins regarding

this matter throughout April and May 2010. During those calls, I continued to inform Mr. Civins that Plaintiff must cease its use of the LAMEBOOK mark in order to resolve the dispute. I also advised that Facebook would take legal action, if necessary, to enforce its trademark rights.

5. On May 7, 2010, I spoke with Mr. Civins by telephone and he advised that Plaintiff would abandon a pending trademark application for the LAMEBOOK mark and make additional changes to its website in an effort to resolve the dispute, but would continue to use the LAMEBOOK name. I informed Mr. Civins that this was unacceptable and that Plaintiff must cease use of the name in order to resolve the matter without the necessity of legal proceedings. During that telephone call, Mr. Civins requested that Facebook outline its position in writing so that he could review Facebook's claims and arguments with his client in further detail. Facebook's counsel sent Mr. Conors the requested letter on July 1, 2010 (Complaint Ex. A; D.I. 1-2; Charlston Decl. Ex. C).

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

Executed on this 21st day of January, 2011 in Palo Alto, California.

  
Christen M.R. Dubois