

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

PRAGMATUS AV, LLC,

Plaintiff,

v.

FACEBOOK, INC., YOUTUBE, LLC,  
LINKEDIN CORPORATION, and  
PHOTOBUCKET.COM, INC.,

Defendants.

Civil Action No. 1:10-cv-1288 (LMB/JFA)

**DEFENDANT FACEBOOK, INC.'S RULE 12(b)(6) MOTION TO DISMISS OR, IN THE  
ALTERNATIVE, FOR A MORE DEFINITE STATEMENT**

Defendant Facebook, Inc. ("Facebook") hereby moves the Court for an Order dismissing Plaintiff's Complaint for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6), or in the alternative, for a more definite statement pursuant to Federal Rule of Civil Procedure 12(e).

Dated: December 22, 2010

Respectfully submitted,

*/s/ Scott A. Cole*

Justin P.D. Wilcox (Va. Bar No. 66067)

[jwilcox@cooley.com](mailto:jwilcox@cooley.com)

Scott A. Cole (Va. Bar No. 74771)

[scole@cooley.com](mailto:scole@cooley.com)

COOLEY LLP

One Freedom Square, Reston Town Center

11951 Freedom Drive

Reston, VA 20190-5656

Telephone: 703.456.8000

Facsimile: 703.456.8100

*Attorneys for Facebook, Inc.*

## CERTIFICATE OF SERVICE

I certify that on the 22nd day of December 2010, I will electronically file the foregoing DEFENDANT FACEBOOK, INC.'S RULE 12(b)(6) MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Mark W. Wasserman (VSB #22638)  
Matthew R. Sheldon (VSB #41892)  
*Counsel for Plaintiff, Pragmatus AV, LLC*  
REED SMITH LLP  
3110 Fairview Park Drive  
Suite 1400  
Falls Church, Virginia 22042  
Telephone: (703) 641-4229  
Facsimile: (703) 641-4340  
mwasserman@reedsmith.com  
msheldon@reedsmith.com

*/s/ Scott A. Cole*

Justin P.D. Wilcox (Va. Bar No. 66067)

jwilcox@cooley.com

Scott A. Cole (Va. Bar No. 74771)

scole@cooley.com

COOLEY LLP

One Freedom Square, Reston Town Center

11951 Freedom Drive

Reston, VA 20190-5656

Telephone: 703.456.8000

Facsimile: 703.456.8100

*Attorneys for Facebook, Inc.*