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8 Attorneys for Plaintiff
 9 FACEBOOK, INC.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

13 FACEBOOK, INC.,

14 Plaintiff,

15 v.

16 VARIOUS, INC.; GMCI INTERNET
 17 OPERATIONS, INC.; TRAFFIC CAT, INC.;
 18 FRIENDFINDER NETWORKS INC.; and
 DOES 1-100,

19 Defendants.

Case No. 4:11-cv-01805-SBA

**DECLARATION OF JEFFREY T.
 NORBERG IN SUPPORT OF
 FACEBOOK'S MOTION FOR
 EXPEDITED DISCOVERY AND
 MOTION TO SHORTEN TIME**

1 I, Jeffrey T. Norberg, declare as follows:

2 1. I am an attorney with Cooley LLP, counsel of record in this action for Plaintiff
3 Facebook, Inc. (“Facebook”). I make this declaration in support of Facebook, Inc.’s Motion for
4 Expedited Discovery. I have personal knowledge of the facts contained within this declaration,
5 and if called as a witness, could testify competently to the matters contained herein.

6 2. Attached hereto as Exhibit A is a true and correct copy of a partial list of domains,
7 created at my direction on May 3, 2011, which appear to be or have been at one time associated
8 with the defendants’ affiliate program.

9 3. Since the creation of the Exhibit A, I have learned of at least two additional
10 websites that use the FACEBOOK trademark as a domain or mark, and which appear to be
11 members of the defendants’ affiliate program: www.facebooksextubes.com (**Caution – Adult**
12 **Content**); and www.face-book-of-sex.com (**Caution – Adult Content**).

13 4. Attached hereto as Exhibit B is a true and correct copy of a screen print from
14 www.facebooksextubes.com, which I captured on May 11, 2011 (**Caution – Adult Content**).
15 This screen print, as well as the screen prints that follow in the rest of this Declaration, have been
16 altered to obscure pornographic images and the identities of individuals appearing in any
17 photographs.

18 5. Attached hereto as Exhibit C is a true and correct copy of a copy of the WHOIS
19 database information for the www.facebooksextubes.com site.

20 6. Attached hereto as Exhibit D is a true and correct copy of a screen print from
21 www.face-book-of-sex.com, which I created on May 11, 2011 (**Caution – Adult Content**).

22 7. Attached hereto as Exhibit E are true and correct copies of screen prints from the
23 website www.getiton.com (**Caution – Adult Content**), which I captured on May 11, 2011. To
24 reach the site depicted in Exhibit E, I first navigated to www.face-book-of-sex.com and then
25 clicked on the GetItOn advertisement that appears in Exhibit D. Clicking on that advertisement
26 caused my browser to redirect to defendant Various, Inc’s Get It On website depicted in the
27 screenshots in Exhibit E.

28 8. Attached hereto as Exhibit F is a true and correct copy of the WHOIS database

1 information for the website www.facebook-of-sex.com.

2 9. Attached hereto as Exhibit G is a true and correct copy of a screen print of the
3 www.facebookofsex.com site, which I captured on May 12, 2011. After capturing this screen
4 print, I logged into the facebookofsex.com site and my browser was redirected to defendant
5 Various, Inc.'s website: www.xmatch.com (**Caution – Adult Content**).

6 10. Attached hereto as Exhibit H is a true and correct copy of Facebook's Proposed
7 First Set of Requests for Production to Defendants.

8 11. Attached hereto as Exhibit I is a true and correct copy of Facebook's Proposed
9 First Set of Interrogatories to Defendants.

10 12. Attached hereto as Exhibit J is a true and correct copy of Facebook's Proposed
11 Notice of Deposition of Friendfinder Networks, Inc.

12 13. Attached hereto as Exhibit K is a true and correct copy of a letter sent on April 14,
13 2011 from Michael Rhodes, attorney of record for Facebook, to David Bloom, General Counsel
14 of defendant Various, Inc. This letter was hand delivered, along with a copy of the Complaint, to
15 Mr. Bloom on April 14, 2011.

16 14. Following the filing of this complaint, Mr. Rhodes and I participated in several
17 calls and e-mails with counsel for the defendants for the purpose of settling this matter. In
18 addition to those communications, I participated in two meet and confer calls with counsel for the
19 defendants.

20 15. The first call took place on April 18, 2011 between myself on behalf of Facebook,
21 and Floyd Mandell and Ira Rothken, counsel for defendants. During that call, I told Messrs.
22 Mandell and Rothken, among other things, that Facebook intended to move for expedited
23 discovery if the defendants did not comply with the demands outlined in Mr. Rhodes' April 14
24 letter (Exhibit J). Despite this, the defendants have not complied with many of those demands,
25 including the demand that defendants "[o]btain the transfer to Facebook of all infringing domain
26 names held by affiliates; or **provide the full contact information for all affiliates who have**
27 **registered infringing domain names**, plus \$10,000 per domain name to cover Facebook's
28 recovery costs." Ex. J at 2, item 3 (emphasis added).

