

EXHIBIT J

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9 Attorneys For Plaintiff
FACEBOOK, INC.

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

15 FACEBOOK, INC.,

16 Plaintiff,

17 v.

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

21 Defendants.

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

**PLAINTIFF FACEBOOK, INC.'S NOTICE OF
DEPOSITION OF DEFENDANT
FRIENDFINDER NETWORKS, INC.**

[FED. R. CIV. P. 30(b)(6)]

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23 **TO DEFENDANT FRIENDFINDER NETWORK, INC.:**

24 **NOTICE IS HEREBY GIVEN** pursuant to Federal Rule of Civil Procedure 30(b)(6) that
25 Plaintiff Facebook, Inc. ("Facebook") will take deposition upon oral examination of Defendant,
26 Friendfinder Network, Inc. ("Friendfinder") on _____, 2011, at 9:00 a.m., or such other date
27 as agreed upon by the parties, at Cooley LLP, 3175 Hanover Street, Palo Alto, California and
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1 continuing from day to day thereafter until completed. The deposition will be recorded by a
2 certified stenographic reporter. Facebook may also may record the deposition by videotape and
3 through the instant visual display of the testimony (e.g., LiveNote).
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5 **NOTICE IS HEREBY FURTHER GIVEN** pursuant to Federal Rule of Civil Procedure 30(b)(6)
6 that Friendfinder shall designate and produce one or more of its officers, employees, managing
7 agents, or other such persons as are most qualified, knowledgeable, and competent to testify on
8 Friendfinder's behalf as to all matters known or reasonably available to Friendfinder regarding
9 the subjects set forth in Section II of attached Exhibit A, in accordance with the Definitions set
10 forth in Section I of Exhibit A.

11 Dated: May ____, 2011

COOLEY LLP
MICHAEL G. RHODES
ANNE H. PECK
JEFFREY T. NORBERG
GAVIN L. CHARLSTON

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Jeffrey T. Norberg
Attorneys for Plaintiff
FACEBOOK, INC.

Exhibit A

I. DEFINITIONS

1. YOU, YOUR or YOURS shall mean Defendant Friendfinder Networks, Inc. and each of its officers, directors, employees, partners, corporate parent, subsidiaries, affiliates, attorneys, accountants, consultants, representatives and agents..

2. COMMUNICATION is used in its broadest sense, and means any transmission of information from one PERSON or entity to another by any means, including without limitation written communications, telephone communications, in-person communications, email and other electronic communications.

3. PERSON means any natural PERSON or any business, legal, or governmental entity or association or any other cognizable entity, including, without limitation, corporations, proprietorships, partnerships, joint ventures, consortiums, clubs, associations, foundations, governmental agencies or instrumentalities, societies and orders.

4. DEFENDANTS' MARK refers to the name FACE BOOK OF SEX, which YOU use and/or have used in connection with YOUR website, accessible at www.facebookofsex.com, and includes any other colorable imitation of that name.

5. The FACEBOOK Marks refers collectively to all of Facebook's marks that consist of or incorporate the term FACEBOOK, including the FACEBOOK marks in U.S. Reg. Nos. 3,734,637, 3,041,791, 3,122,052, 3,881,770, 3,659,516, 3,826,546, 3,801,147, 3,716,926, 3,935,447, 3,917,332, 3,814,888, 3,793,608 and the FACEBOOK marks and variants thereof in Application Serial Nos. 77/589,935, 77/321,801, 77/321,779, 77/896,315, 77/896,317, 77/896,318, 77/896,322, 77/896,323, 77/896,325, 77/967,917, 77/967,921, 77/967,932, 85/121,339, 85/121,349, 85/147,879, 85/147,898, 85/147,910, 85/147,930, 85/147,937, 85/147,950, and 85/147,955.

6. The term AFFILIATE NETWORK refers to YOUR network or "program" of affiliates, partners, website operators, joint venturers, third parties and/or other PERSONS who have at any time (1) displayed advertising for any website owned or operated by NAMED DEFENDANTS; (2) directed traffic (including without limitation by automatic redirect, or displaying click-through

1 advertisements) to any website owned or operated by NAMED DEFENDANTS; and/or (3) hosted
2 advertising for NAMED DEFENDANTS's www.facebookofsex.com website.

3 7. A request to provide information CONCERNING something means relating to,
4 referring to, describing, referencing, evidencing or constituting.

5 8. COMPLAINT refers to the complaint filed by Facebook in *Facebook, Inc. v.*
6 *Various, Inc., et al.*, Civil Action No. 11-cv-01805-SBA in the United States District Court for
7 the Northern District of California, San Francisco Division on or about April 13, 2011.

8 9. The use of the singular form of any word includes the plural, and use of the plural
9 form includes the singular form.

10 II. SUBJECTS OF DEPOSITION

11 Please be prepared to testify about the following subjects.

12 SUBJECT NO. 1:

13 The identities of all PERSONS who are members of the AFFILIATE NETWORK.

14 SUBJECT NO. 2:

15 The creation, origination and development of the AFFILIATE NETWORK.

16 SUBJECT NO. 3:

17 The functionality of AFFILIATE NETWORK, including without limitation, the manner in
18 which affiliate traffic is tracked, and the manner in which affiliates are compensated.

19 SUBJECT NO. 4:

20 The creation, design, development, selection and adoption of DEFENDANTS' MARK.

21 SUBJECT NO. 5:

22 Communications between YOU and any PERSON CONCERNING the creation, design,
23 development, selection and adoption of DEFENDANTS' MARK.

24 SUBJECT NO. 6:

25 Any efforts made to determine whether DEFENDANTS' MARK would conflict with the
26 intellectual property rights of third parties, including Facebook.

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1 **SUBJECT NO. 7:**

2 The website www.facebookofsex.com, including YOUR role in the operation of that
3 website.

4 **SUBJECT NO. 8:**

5 The number of visitors to the website www.facebookofsex.com, by month, from its launch
6 to the present.

7 **SUBJECT NO. 9:**

8 Contracts, licenses, agreements or permissions entered into with any PERSON relating to
9 the use of DEFENDANTS' MARK.

10 **SUBJECT NO. 10:**

11 COMMUNICATIONS between YOU and any PERSON CONCERNING the AFFILIATE NETWORK.

12 **SUBJECT NO. 11:**

13 Instances of actual confusion, mistake, or association between DEFENDANTS' MARK and
14 the FACEBOOK Marks.

15 **SUBJECT NO. 12:**

16 Advertising, marketing and promotion of the products and/or services marketed, sold or
17 offered for sale under DEFENDANTS' MARK.

18 **SUBJECT NO. 13:**

19 Any grounds upon which YOU believe Facebook is not entitled to a preliminary
20 injunction.

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