

# EXHIBIT 2

## Mosko, Scott

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**From:** Mosko, Scott  
**Sent:** Thursday, January 10, 2008 8:53 AM  
**To:** 'tsutton@orrick.com'  
**Cc:** Holderfield, Randal  
**Subject:** Re: Regarding Plaintiffs' Summary Judgment Motion

Theresa,

At a minimum we need time to digest the late production you served yesterday. It still appears Plaintiffs have failed to produce all documents responsive to Defendants' August document requests. Once we resolve the issue of Plaintiffs' production, we intend to take at least one Rule 30(b)(6) deposition. Further, we need additional time to complete our analysis of the hard drives Facebook produced late in 2007. It is likely that several depositions will be taken as a result of the contents of these hard drives. In addition, we will need to take your experts' deposition. There are additional reasons that support our request.

Waiting until the CMC to discuss this Rule 56(f) issue is unacceptable. Unless you agree to take the summary judgment motion off calendar by noon today, we will approach the court for an order allowing us to complete the discovery necessary to oppose the summary judgment motion, before having to file an opposition.

----- Original Message -----

From: Sutton, Theresa A. <tsutton@orrick.com>  
To: Mosko, Scott  
Cc: Cooper, Monte <mcooper@orrick.com>; Stillman, Stacey <ssstillman@orrick.com>; Dalton, Amy <adalton@orrick.com>  
Sent: Thu Jan 10 11:34:35 2008  
Subject: Re: Regarding Plaintiffs' Summary Judgment Motion

Scott-

Although we are not inclined to move the hearing date, we can discuss scheduling at the CMC next week.

Also, please let us know what discovery it is you think Defendants need. We believe we can make Mr. Shiflett available relatively quickly. We are, however, unsure about what other discovery Defendants could need for purposes of an opposition that is not already in their possession.

Theresa

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Sent from my BlackBerry Wireless Handheld

Theresa A. Sutton  
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tsutton@orrick.com

----- Original Message -----

From: Mosko, Scott <scott.mosko@finnegan.com>  
To: Sutton, Theresa A.  
Sent: Thu Jan 10 05:58:16 2008  
Subject: Regarding Plaintiffs' Summary Judgment Motion

Theresa,

Defendants request that Plaintiffs take their motion for summary judgment off calendar, allowing Defendants a reasonable time to complete the necessary discovery enabling them to effectively oppose this motion. Unless we hear from you today, January 10th, by noon, pacific standard time, we will assume Plaintiffs refuse our request, and we will approach the court on an expedited basis for relief.

Thank you.

Scott Mosko

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