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6 Attorneys for Plaintiff  
 The Facebook, Inc.  
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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 THE FACEBOOK, INC.,  
 12 Plaintiff,  
 13 v.  
 14 CONNECTU LLC, PACIFIC NORTHWEST  
 SOFTWARE and WINSTON WILLIAMS,  
 15 Defendants.  
 16

Case No. 5:07-CV-01389-RS

**DECLARATION OF THERESA A.  
 SUTTON IN SUPPORT OF  
 FACEBOOK'S MOTION TO  
 ENLARGE TIME TO RESPOND TO  
 MOTION TO DISMISS PURSUANT  
 TO FED. R. CIV. P. 12(B)(2)**

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1 I, Theresa A. Sutton, declare as follows:

2 1) I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP,  
3 counsel for Plaintiff The Facebook, Inc. I make this Declaration in support of Facebook's Motion  
4 to Enlarge Time to Respond to Defendants' Motion to Dismiss Pursuant to Rule 12(b)(2). I am  
5 an active member in good standing of the California State Bar. I have personal knowledge of the  
6 facts stated herein and if called as a witness, could and would competently testify thereto.

7 2) Facebook seeks an order enlarging the time for it to respond to defendants  
8 Pacific Northwest Software and Winston Williams' Motion to Dismiss to enable Facebook to  
9 engage in limited discovery directed at this Court's exercise of personal jurisdiction over these  
10 defendants. Facebook will file a Motion for Expedited Discovery re Personal Jurisdiction in  
11 which it sets forth the basis for the discovery it seeks. In short, well-established Ninth Circuit law  
12 permits a plaintiff to engage in jurisdictional discovery when faced with a motion to dismiss for  
13 lack of personal jurisdiction. Based on the information currently within Facebook's possession, it  
14 is confident that the defendants, Pacific Northwest Software and Winston Williams, have  
15 sufficient contacts with California such that this Court may exercise jurisdiction over them. The  
16 discovery Facebook seeks will enable it to provide the Court with a full and complete record.  
17 Because Facebook's opposition is currently due on April 11, 2007, however, Facebook seeks an  
18 extension of time to accommodate its need for jurisdictional discovery. As a result, the current  
19 May 2, 2007 hearing date on defendants' motion also must be rescheduled.

20 3) On April 2, 2007, I sent an email to Scott Mosko, Defendants' counsel,  
21 asking him to agree to extend the time for Facebook to respond to Defendants' motion to dismiss  
22 and permit Facebook to engage in jurisdictional discovery. I also left Mr. Mosko a voice message  
23 to this effect on the same day. Attached hereto as Exhibit A is a true and correct copy of my  
24 email to Mr. Mosko. Mr. Mosko responded to my email and voicemail indicating an  
25 unwillingness to stipulate to the requested extension and discovery. He also stated that he was  
26 unavailable to further discuss Facebook's request until Friday, April 6, 2007 — a day by which  
27 Facebook would be unable to obtain from the Court the relief it seeks if Mr. Mosko ultimately  
28 refuses to agree to an extension of time. Attached hereto as Exhibit B is a true and correct copy

1 of Mr. Mosko's email to me. In response, I indicated to Mr. Mosko that Facebook would file its  
2 Motion to Enlarge Time and Motion for Expedited Discovery but would agree to withdraw them  
3 if Mr. Mosko ultimately agreed to Facebook's requests. Attached hereto as Exhibit C is a true  
4 and correct copy of my email to Mr. Mosko. Mr. Mosko instructed me to call him at 4:45 p.m. on  
5 Friday, April 6.

6 4) If the Court were to deny Facebook's request to enlarge the time for  
7 Facebook to respond to the defendants' motion to dismiss, Facebook would be unable engage in  
8 limited jurisdictional discovery and, as a result, would be unable to provide a full and complete  
9 record in support of its response to said motion.

10 5) No other time modifications have been made in this case. The requested  
11 time modification will have no impact on the schedule of this matter (other than to the present  
12 motion) as none has been set at this time.

13 I declare under penalty of perjury that the foregoing is true and correct. Executed  
14 this 4th day of April, 2007, at Cupertino, California.

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17 /s/ Theresa A. Sutton /s/  
18 Theresa A. Sutton