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 THE FACEBOOK, INC. and MARK ZUCKERBERG

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

15 THE FACEBOOK, INC. and MARK
 ZUCKERBERG,
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 Plaintiffs,
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 v.
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 19 CONNECTU, INC. (formerly known as
 CONNECTU, LLC), PACIFIC
 20 NORTHWEST SOFTWARE, INC.,
 WINSTON WILLIAMS, WAYNE CHANG,
 and DAVID GUCWA,
 21
 Defendants.

Case No. 5:07-CV-01389-RS
**STIPULATION OF DISMISSAL AND
 [PROPOSED] ORDER**

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1 WHEREAS, Plaintiffs Facebook, Inc. and Mark Zuckerberg filed its Second Amended
2 Complaint for Violation of California Penal Code § 502(c); California and Massachusetts
3 Common Law Misappropriation / Unfair Competition; Violation of Massachusetts General Law
4 93A; 18 U.S.C. § 1030; and 15 U.S.C. §§ 7704 and 7705, on May 30, 2007;

5 WHEREAS, Plaintiffs and Defendant David Gucwa settled this matter on or about
6 January 28, 2008;

7 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiffs and Mr. Gucwa
8 through their designated counsel that the above-captioned action should be dismissed without
9 prejudice as to Mr. Gucwa pursuant to FRCP 41(a)(1)(A). The parties further stipulate that,
10 except as set forth in the January 28, 2008 Settlement Agreement between them, the parties shall
11 bear their own attorney's fees, expenses and costs.

12 IT IS SO STIPULATED.

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14 Dated: February 15, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

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16 /s/ Theresa A. Sutton /s/

Theresa A. Sutton
Attorneys for Plaintiffs
THE FACEBOOK, INC. and MARK
ZUCKERBERG

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19 Dated: February 15, 2008

DECHERT LLP

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21 /s/ Valerie Wagner /s/

Valerie Wagner
Attorneys for Defendant
DAVID GUCWA

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24 **Filer's Attestation:** Pursuant to General Order No. 45, §X(B), I attest under penalty of
25 perjury that concurrence in the filing of the document has been obtained from its signatory.

26 Dated: February 15, 2008

Respectfully submitted,

27 /s/ Theresa A. Sutton /s/

Theresa A. Sutton

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The Court having considered the stipulation of the parties, and good cause appearing therefor, orders as follows:

1. The action is dismissed without prejudice as against Defendant Gucwa pursuant to FRCP 41(a)(1)(A).
2. Each party shall bear their own costs and attorneys' fees.
3. The Court shall retain jurisdiction over this matter to enforce the terms of the January 28, 2008, Settlement Agreement.

IT IS SO ORDERED.

Dated: _____

Honorable Richard Seeborg
United States Magistrate Judge
Northern District of California

