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9 Attorneys for Plaintiffs  
 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,

16 Plaintiffs,

17 v.

18 CONNECTU, INC. (formerly known as  
 19 CONNECTU, LLC), PACIFIC  
 NORTHWEST SOFTWARE, INC.,  
 20 WINSTON WILLIAMS, WAYNE CHANG,  
 and DAVID GUCWA,

21 Defendants.

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

**STIPULATION OF DISMISSAL AND**  
~~**PROPOSED**~~ **ORDER**

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.

13  
14 Dated: February 15, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

15  
16 /s/ Theresa A. Sutton /s/

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

17  
18  
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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23  
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: February 19, 2008



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Honorable Richard Seeborg  
United States Magistrate Judge  
Northern District of California

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**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 15, 2008.

Dated: February 15, 2008.

Respectfully submitted,

\_\_\_\_\_  
/s/ Theresa A. Sutton /s/  
Theresa A. Sutton