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10 Attorneys for Plaintiff
 11 FACEBOOK, INC.

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

16 FACEBOOK, INC.,

17 Plaintiff,

18 v.

19 STUDIVZ LTD., HOLTZBRINCK
 NETWORKS GmbH, HOLTZBRINCK
 20 VENTURES GmbH AND DOES 1-25,

21 Defendants.

Case No. 5:08-cv-03468 JF

**DECLARATION OF JULIO C.
 AVALOS IN SUPPORT OF
 FACEBOOK'S MOTION TO STRIKE
 DECLARATION OF STEPHEN S.
 SMITH**

Date: March 24, 2009
 Time: 10:00 a.m.
 Room: Courtroom 2, 5th Floor
 Judge: Honorable Magistrate Judge
 Howard R. Lloyd, for
 Discovery Purposes

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I, Julio C. Avalos, declare as follows:

1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Plaintiff Facebook, Inc.. I make this Declaration in support of Facebook’s Motion to Strike the Declaration of Stephen S. Smith In Support of Defendants’ Opposition to Facebook, Inc.’s Motions to Compel and For Sanctions. I am an active member in good standing of the California State Bar. Except as set forth herein, I have personal knowledge of the facts stated herein and if called as a witness, could and would competently testify thereto.

2. A true and correct copy of the February 10, 2009 Declaration of Stephen S. Smith In Support of Defendants’ Opposition to Facebook, Inc.’s Motions to Compel and For Sanctions is attached hereto as **Exhibit A**.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed this 17th day of February, at Menlo Park, California.

/s/ Julio C. Avalos /s/
Julio C. Avalos

