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File Number: 37106-00002

March 4, 2009

**FILED**

**MAR 05 2009**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE *RW*

*10  
HRL*

VIA FACSIMILE (408-535-5410)

Magistrate Judge Howard R. Lloyd  
Judge of the United States District Court  
Courtroom 2, Fifth Floor  
280 South First Street  
San Jose, CA 95113-3008

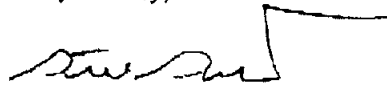
Re: Facebook, Inc. v. StudiVZ Ltd, et al.  
U.S. District Court Case No. 5:08-CV-03468 JF

Your Honor:

Pursuant to the March 3, 2009 Minute Order, defendants submit this "letter re Motion to Compel."

Unfortunately, in the 48 hours from the hearing until now, I have been unable to obtain authorization from StudiVZ concerning proposed language for an order on Facebook's motion to compel. I was able to speak with general counsel for the defendants early this morning. However, because of the overwhelming burden and expense associated with searching for the documents that are at issue in Facebook's motion to compel, and because of serious concerns regarding the potential violation of German privacy laws that could result from any order compelling the production of such documents, general counsel must speak with the board, which she has not yet been able to do. I therefore request an additional week to allow StudiVZ to provide proposed language so that general counsel has the opportunity to contact and discuss the issue with the relevant board members.

Respectfully,



Stephen S. Smith

SSS/nll

cc: Gary Evan Weiss, Esq. (by email)  
Thomas Gray, Esq. (by email)



# FAX COVER SHEET

DATE: March 5, 2009

FROM: Stephen S. Smith, Esq. ATTORNEY #: 276

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NO. OF PAGES: 2 (including fax cover sheet)

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FILE NUMBER: 37106-00002

TO	PHONE NUMBER	FAX NUMBER
The Honorable Howard R. Lloyd United States Magistrate Judge U.S. District Court, Northern District	(408) 535-5365	(408) 535-5410

DOC TITLE: Submission letter to Your Honor

RE: Facebook, Inc. v. StudiVZ Ltd., et al.  
USDC/Northern District Case No. 5:08-CV-03468 JF

MESSAGE: Please see attached.

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