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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 INC.'S OPPOSITION TO
 DEFENDANTS' MOTION FOR
 ADMINISTRATIVE RELIEF**

Judge: Honorable Jeremy Fogel
 Complaint Filed: July 18, 2008

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1 I, Julio C. Avalos, declare as follows:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
3 for Plaintiff Facebook, Inc. (“Facebook”). I make this Declaration in support of Facebook's
4 Opposition to Defendants’ Motion for Administrative Relief seeking to stay the personal
5 jurisdiction portion of their motions to dismiss. I am an active member in good standing of the
6 California State Bar. Except as set forth herein, I have personal knowledge of the facts stated
7 herein and if called as a witness, could and would competently testify thereto.

8 2. On March 24, 2009, I directed my internet browser to the website located at
9 <http://www.pantherexpress.net/news/25/>. I then saved that website as a PDF image file, which
10 accurately portrays the website as I saw it. A true and correct copy of this file/webpage is
11 attached hereto as **Exhibit A**.

12 3. On March 24, 2009, I opened Apple’s iTunes program and navigated to the
13 “iTunes Store” link along the left navigation panel. I clicked on that link and was directed to the
14 iTunes Store, an online store stocked with downloadable music, movies, television programs and
15 a variety of applications and programs for the Apple iPhone. I performed a search in the iTunes
16 store for “studivz” and was able to locate three different iPhone applications available for
17 download. These applications correspond to three of Defendants’ websites: meinVZ, schulerVZ
18 and StudiVZ. According to the iTunes store, these applications have been available for download
19 since March 3, 2009. Using my computer’s screenshot feature, I was able to record my
20 screenshot as an image file. This image file accurately portrays the iTunes store screenshot as I
21 saw it. A true and correct copy of same is attached hereto as **Exhibit B**.

22 4. On March 24, 2009, I directed my internet browser to the website located at
23 http://developer.apple.com/iphone/terms/registered_iphone_developer.pdf. Located at that address is
24 PDF image file of Apple, Inc.’s “Registered iPhone Developer Agreement.” I saved this
25 website/PDF image file onto my computer. The saved image file accurately portrays the website
26 as I viewed it online. A true and correct copy of same is attached hereto as **Exhibit C**.

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

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Executed this 24th day of January, at Menlo Park, California.

/s/ Julio C. Avalos /s/
JULIO C. AVALOS

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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 March 24, 2009.

Dated: March 24, 2009

Respectfully submitted,

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