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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, DENNIS BEMMANN,  
 MICHAEL BREHM, AND DOES 1-25,

21 Defendants.  
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Case No. 5:08-cv-03468 JF

**DECLARATION OF JULIO C.  
 AVALOS IN SUPPORT OF  
 FACEBOOK INC.'S  
 SUPPLEMENTAL OPPOSITION TO  
 MOTION DISMISS FOR *FORUM  
 NON CONVENIENS***

Judge: Honorable Jeremy Fogel  
 Hearing: April 17, 2009<sup>1</sup> at 9:00 a.m.

28 <sup>1</sup> On April 3, 2009, the Parties filed a stipulation seeking continuance of the April 17 hearing until May 1, 2009.

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 31, 2009, I directed my internet browser to the website and webpage  
9 located at <http://www.intetics.com>. I saved that webpage as a PDF image file, which accurately  
10 portrays the webpage as I saw it. I then directed my internet browser to the webpage located at  
11 <http://www.intetics.com/contact.html>. This webpage was accessible by clicking on the “Contact  
12 Us” link in the top toolbar of the [www.intetics.com](http://www.intetics.com) webpage. I saved this second webpage as a  
13 PDF image file, which accurately portrays the webpage as I saw it. Finally, I directed my internet  
14 browser to the webpage located at <http://www.intetics.com/major-clients.html>. I arrived at that  
15 page by first allowing my cursor to hover over the “Expertise” link in the top toolbar of the  
16 [www.intetics.com](http://www.intetics.com) homepage. Upon so doing, a new drop-down menu appeared containing two  
17 links: “Technology Expertise” and “Industry Expertise.” I clicked on “Industry Expertise,” which  
18 brought me to the “major-clients.html” webpage. I saved this third webpage as a PDF image file,  
19 which accurately portrays the webpage as I saw it. True and correct copies of each of these three  
20 PDF image files are attached hereto as **Exhibit A**.

21 3. On April 6, 2009, I directed my internet browser to the website located at  
22 <http://www.shoeboxed.com>. I then scrolled down to the bottom of the page and clicked on the  
23 link “About Us” located under the heading “About Shoeboxed.” This link brought my internet  
24 browser to the webpage located at <http://www.shoeboxed.com/about-us.htm>. Due to formatting  
25 issues related to how the webpage looked when saved as a PDF image file, I instead saved what I  
26 viewed on my computer screen as a Portable Network Graphics (“PNG”) image file, which is the  
27 default screenshot image file format on Apple, Inc. computers. Because the  
28 [www.shoeboxed.com/about-us.htm](http://www.shoeboxed.com/about-us.htm) webpage requires scrolling in order to view the entire page

1 and because the entire page does not fit on one 8-1/2" x 11" sheet of paper, I captured the  
2 webpage in three distinct screenshots, which, when viewed compositely and/or sequentially,  
3 accurately portray the webpage as I saw it. True and correct copies of these three image files are  
4 attached hereto as **Exhibit B**.

5 4. On March 31, 2009, I directed Amy Dalton, a Senior Paralegal at Orrick, to  
6 capture the webpage located at <http://www.linkedin.com/in/tobiaswalter>, which she subsequently  
7 did as a PDF image file. I have reviewed that image file and found it to accurately portray the  
8 webpage as it appears online. A true and correct copy of that image file is attached hereto as  
9 **Exhibit C**.

10 5. On April 6, 2009, I directed my internet browser to the webpage located at  
11 <http://www.facebook.com/people/Taylor-Mingos/1308534>. The webpage is a public version of  
12 the Facebook profile for Taylor Mingos. The profile lists Mr. Mingos as being a resident of  
13 "Raleigh/Durham, NC [North Carolina]." I captured the screenshot as a PNG image file. The  
14 PNG image file accurately portrays the website as it appeared on my computer. A true and  
15 correct copy of this image file is attached hereto as **Exhibit D**.

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

20 7. On March 24, 2009, I opened Apple's iTunes program and navigated to the  
21 "iTunes Store" link along the left navigation panel. I clicked on that link and was directed to the  
22 iTunes Store, an online store stocked with downloadable music, movies, television programs and  
23 a variety of applications and programs for the Apple iPhone. I performed a search in the iTunes  
24 store for "studivz" and was able to locate three different iPhone applications available for  
25 download. These applications correspond to three of Defendants' websites: meinVZ, schulerVZ  
26 and StudiVZ. According to the iTunes store, these applications have been available for download  
27 since March 3, 2009. Using my computer's screenshot feature, I was able to record my  
28 screenshot as an image file. This image file accurately portrays the iTunes store screenshot as I



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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 April 6, 2009.

Dated: April 6, 2009

Respectfully submitted,

\_\_\_\_\_  
/s/ Julio C. Avalos /s/  
Julio C. Avalos

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