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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.  
 22  
 23

Case No. 5:08-cv-03468 JF

**DECLARATION OF JULIO C.  
 AVALOS IN SUPPORT OF  
 FACEBOOK INC.'S OPPOSITION TO  
 DEFENDANTS' MOTION TO QUASH  
 THIRD-PARTY SUBPOENAS**

Judge: Honorable Judge Lloyd

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 To Quash Facebook's Third-Party Subpoenas. I am an active  
5 member in good standing of the California State Bar. Except as set forth herein, I have personal  
6 knowledge of the facts stated herein and if called as a witness, could and would competently  
7 testify thereto.

8 2. On October 14, 2008, Facebook served its first set of jurisdictional discovery  
9 requests.

10 3. On March 3, 2009, I accompanied my colleague Tom Gray to the hearing before  
11 Judge Lloyd on Facebook's Motion to Compel Discovery Responses to Facebook's First Round  
12 of Jurisdictional Discovery. A true and correct copy of excerpts from the hearing transcript is  
13 attached hereto as **Exhibit A**.

14 4. On May 8, 2009, I, along with my assistant Abby Ako-Nai, drafted and served ten  
15 third-party subpoenas upon defense counsel, Stephen S. Smith. At the time, I was aware that the  
16 Federal Rules of Civil Procedure required that any subpoenas requiring the production of  
17 documents be served upon Mr. Smith prior to their being served on the third-parties.  
18 Accordingly, I supervised Ms. Ako-Nai's preparation of the subpoena and service documents,  
19 which were deposited in the mail at approximately 3:30 p.m. that day.

20 5. Xilinx Corporation was hard-served on May 8, 2009 at 4:05 p.m.

21 6. Shoeboxed.com was served on May 11, 2009.

22 7. Intetics Co. was served on May 12, 2009 at 1:28 p.m.

23 8. Gordon Brebner was served on May 21, 2009.

24 9. Spreadshirt, Inc. was served on May 11, 2009.

25 10. Phil James-Roxby was served on May 12, 2009 at 5:35 p.m.

26 11. Taylor Mingos was served with a Subpoena for Production of Documents on May  
27 20, 2009.

28 12. Taylor Mingos was served with a Subpoena To Appear for Deposition on May 20,

1 2009.

2 13. Tobias Walter was served with a subpoena for Production of Documents on May  
3 20, 2009.

4 14. Tobias Walter was served with a Subpoena To Appear for Deposition on May 20,  
5 2009.

6 15. True and correct copies of these subpoenas are attached hereto as **Exhibit B**.

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

9 Executed this 26th day of May, at Menlo Park, California.

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/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 May 26, 2009.

Dated: May 26, 2009

Respectfully submitted,

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