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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 MOTION TO
 COMPEL FURTHER RESPONSES
 TO SECOND ROUND OF
 JURISDICTIONAL DISCOVERY**

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 Motion to Compel Further Responses to Facebook’s Second Round of Jurisdictional Discovery. I
5 am an active member in good standing of the California State Bar. Except as set forth herein, I
6 have personal knowledge of the facts stated herein and if called as a witness, could and would
7 competently testify thereto.

8 2. On October 14, 2008, Facebook served a first round of jurisdictional discovery
9 requests upon Defendants StudiVZ Ltd., Holtzbrinck Networks GmbH and Holtzbrinck Ventures
10 GmbH (“Defendants”).

11 3. On February 2, 2009, Facebook served a second round of jurisdictional discovery
12 requests upon Defendants.

13 4. On March 3, 2009, I accompanied my colleague Tom Gray to the hearing before
14 Judge Lloyd on Facebook’s Motion to Compel Discovery Responses to Facebook’s First Round
15 of Jurisdictional Discovery. Defense counsel made no mention of the Second Round of
16 Jurisdictional Discovery. A true and correct copy of an excerpt from the hearing transcript is
17 attached hereto as **Exhibit B**.

18 5. On March 4, 2009, Defendants responded to Facebook’s Second Round of
19 Discovery with blanket objections. A true and correct copy of these objections, which quote
20 Facebook’s requests, is attached hereto as **Exhibit A**.

21 6. Because oral argument on Facebook’s First Motion to Compel had taken place just
22 the day before, Facebook’s counsel thought it prudent to wait until the first discovery dispute was
23 resolved prior to filing a second motion to compel discovery responses.

24 7. On May 26, 2009, I met and conferred with defense counsel Stephen S. Smith and
25 his partner William Walker. The meet and confer took place over telephone. Mr. Smith
26 represented that he and his clients continue to believe that Facebook’s second round of discovery
27 is untimely and/or precluded by the Court’s previous orders. Mr. Smith also refused to stipulate
28 to expedited briefing on Facebook’s Motion to Compel or Defendants’ Motion to Quash.

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

Executed this 26th day of May, 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 May 26, 2009.

Dated: May 26, 2009

Respectfully submitted,

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