

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

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FACEBOOK, INC.,

CASE NO. 5:08-CV-03468 JF

Plaintiff,

v.

STUDIVZ LTD., HOLTZBRINK NETWORKS  
GMBH, HOLTZBRINK VENTURES GMBH and  
DOES 1-25,

Defendants.

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The above-styled cause came on for hearing on March 3, 2009 at 10:09 a.m. before The Honorable Howard R. Lloyd, United States Magistrate Judge, Courtroom 2, Fifth Floor.

APPEARANCES:

ON BEHALF OF PLAINTIFF:

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1 compliment Ms. Hurst.

2 THE COURT: Oh, go ahead.

3 MR. SMITH: Ms. Hurst and I had very good  
4 discussions about the meet and confer, and that's why  
5 the last time we were here we represented to Your Honor  
6 we had come to agreement on virtually every issue.

7 The problems with these particular requests,  
8 these particular requests were not written with Calder  
9 v. Jones or the issues in the case really in mind.

10 THE COURT: It often happens that in deciding  
11 discovery disputes, I in effect re-write the requests  
12 so that they say what I think is fair or appropriate as  
13 opposed to what they literally say.

14 What I'm struggling with right now is to  
15 decide whether to give him anything or nothing. I'm  
16 not inclined to give him nothing, I'm inclined to give  
17 him something, and I'm struggling to define a something  
18 in a way that's reasonable.

19 MR. SMITH: I understand. My proposal is  
20 that he -- that access is okay if it is for the purpose  
21 of copying the design, look, feel, whatever other word  
22 we want to use, of Facebook's own website, and as long  
23 as it is limited to a fair group of people and a fair  
24 amount of time, meaning a particular period of time.

25 If we go beyond that, we start getting into

1 STATE OF COLORADO )  
2 ) ss. CERTIFICATE  
3 COUNTY OF DENVER )  
4

5 I, Christopher Boone, Certified Electronic  
6 Court Reporter and Notary Public within and for the  
7 State of Colorado, certify that the foregoing is a  
8 correct transcription from the digital recording of  
9 the proceedings in the above-entitled matter.  
10

11 I further certify that I am neither counsel  
12 for, related to, nor employed by any of the parties  
13 to the action in which this hearing was taken, and  
14 further that I am not financially or otherwise  
15 interested in the outcome of the action.  
16

17 In witness whereof, I have affixed my  
18 signature and seal this 17th day of March, 2009.  
19

20 My commission expires August 16, 2010.  
21

22   
23 \_\_\_\_\_

24 Christopher Boone,  
25 AAERT Certified Electronic Court Reporter

