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16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN JOSE DIVISION

19 GREENBERG GLUSKER FIELDS CLAMAN
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23 FACEBOOK, INC.,
 24
 25 Plaintiff,
 26
 27 v.
 28 STUDIVZ LTD., VERLAGSGRUPPE
 GEORG VON HOLTZBRINCK GmbH,
 HOLTZBRINCK NETWORKS GmbH,
 HOLTZBRINCK VENTURES GmbH, and
 DOES 1-25,
 Defendants.

Case No. 5:08-CV-03468 JF
 Assigned To: Hon. Jeremy Fogel
**DECLARATION OF STEPHEN S. SMITH IN
 SUPPORT OF DEFENDANTS' OPPOSITION
 TO FACEBOOK'S MOTION TO SHORTEN
 TIME; EXHIBIT A**
 [Opposition Filed Concurrently]
 Complaint Filed: July 18, 2008

DECLARATION OF STEPHEN S. SMITH

I, Stephen S. Smith declare:

1. I am an attorney at law duly licensed to practice in the State of California and before the United States District Court for the Northern District of California, and am a partner at Greenberg Glusker Fields Claman & Machtinger LLP, counsel of record for Defendants Holtzbrinck Networks GmbH and Holtzbrinck Ventures GmbH (together, the “Holtzbrinck Defendants”) and StudiVZ Ltd. (“StudiVZ”) (collectively, “Defendants”). I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto under oath. This declaration is submitted in support of Defendants’ Opposition to Facebook’s Motion to Shorten Time.

2. Facebook served its first set of written discovery on Defendants on October 14, 2008. Prior to asking the Court to continue the motion to dismiss hearing date from its original date of February 13, 2009 to a later date, Facebook served no other discovery in this matter, except two notices of deposition for Martin Weber and Michael Brehm, which depositions Facebook then canceled after I had traveled to Germany to defend them.

3. Attached hereto as Exhibit “A” is a true and correct copy of the Reporter’s Transcript from the hearing of May 1, 2009.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct, and that this declaration was executed in Los Angeles, California on May 29, 2009.

/s Stephen S. Smith
Stephen S. Smith