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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  
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Case No. 5:08-cv-03468 JF

**DECLARATION OF JULIO C.  
 AVALOS IN SUPPORT OF  
 FACEBOOK INC.'S MOTION TO  
 ENLARGE TIME PURSUANT TO  
 CIVIL L.R. 6-3**

Judge: Honorable Judge Fogel

Complaint Filed: July 18, 2008

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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 Enlarge Time Pursuant to Civil Local Rule 6-3 Seeking To Continue The July 10, 2009  
5 Hearing On Defendants’ 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 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. A true and correct copy of relevant excerpts from that hearing are  
16 attached hereto as **Exhibit A**.

17 5. On March 4, 2009, Defendants responded to Facebook’s Second Round of  
18 Discovery with blanket objections. True and correct copies of these objections were previously  
19 filed with the Court. *See* Dkt. No. 164; Ex. A.

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

24 7. On May 21, 2009, I telephoned Magistrate Judge Lloyd’s chambers and spoke to  
25 his deputy clerk and law clerk. The purpose of the telephone call was to inquire as to the status of  
26 the order on Facebook’s first motion to compel. I was informed that the Court was “well aware”  
27 of the pending motion and that an order would be issued in due time.

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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 June 3, 2009.

Dated: June 3, 2009

Respectfully submitted,

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