

\*\*E-Filed 6/15/09\*\*

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9 **IN THE UNITED STATES DISTRICT COURT**

10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 **SAN JOSE DIVISION**

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14 FACEBOOK, INC.,

15 Plaintiff,

16 v.

17 STUDIVZ LTD; VERLAGSGRUPPE GEORG  
18 VON HOLTZBRINCK GmBH; HOLTZBRINCK  
19 NETWORKS GmBH; and HOLTZBRINCK  
20 VENTURES GmBH

21 Defendants.

Case Number C 08-3468 JF (HRL)

**ORDER<sup>1</sup> GRANTING MOTION TO ENLARGE TIME**

RE: Docket No. 170

22 Facebook moves for a continuance of the July 10, 2009 hearing on Defendants' motions  
23 to dismiss. Defendants oppose the motion on the grounds that Facebook is not entitled to  
24 further jurisdictional discovery, and that a continuance would cause prejudicial delay. The  
25 Court has read and carefully considered the parties' arguments and supporting documents in  
26 connection with the instant motion, and is sympathetic to Defendant's frustration with  
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28 <sup>1</sup> This disposition is not designated for publication in the official reports.

1 Facebook's piecemeal approach to discovery. At the same time, however, the Court recognizes  
2 that Defendants have not always upheld their end of the various bargains that have been struck  
3 during the contentious discovery proceedings in this case. More importantly, the Court's May 4,  
4 2009 decision to defer ruling on Defendants' *forum non conveniens* arguments was intended to  
5 give Facebook an opportunity to have all pending discovery disputes resolved before Magistrate  
6 Judge Lloyd. While Defendants no doubt have a legitimate interest in having this case resolved,  
7 the Court already has made one attempt to conserve the parties' resources by undertaking an  
8 early review of *forum non conveniens*. The Court ultimately determined that concurrent  
9 consideration of personal jurisdiction and *forum non conveniens* was the more prudent course.  
10 In view of that determination, the Court finds it appropriate to allow Judge Lloyd to decide all  
11 pending discovery motions. Accordingly, the hearing on Defendant's motions will be  
12 continued. The hearing will be held approximately sixty days from the date that Defendants  
13 substantially comply with Judge Lloyd's discovery rulings. Facebook's supplemental  
14 opposition and Defendants' supplemental replies will be due on an ordinary briefing schedule  
15 calculated from the rescheduled hearing date.

16 **IT IS SO ORDERED.**

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18 DATED: 6/15/09

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JEREMY FOGEL  
United States District Judge

1 This Order has been served upon the following persons:

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