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July 24, 2008

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VIA ELECTRONIC MAIL  
AND OVERNIGHT MAIL

Dr. Anka Reich  
General Counsel/SVP  
Verlagsgruppe Georg von Holtzbrinck GmbH  
Gänsheidestraße 26  
70184 Stuttgart, Germany  
anka.reich@holtzbrinck.com

Re: Facebook, Inc. v. StudiVZ Ltd., et al., C08 - 03468

Dear Dr. Reich:

Stephen S. Smith at Greenberg Glusker has directed me to address all further correspondence regarding the above referenced matter to your attention. Enclosed please find the most recent correspondences dated July 21 and July 23, 2008.

I am also attaching a copy of a complaint filed against StudiVZ and related entities in the Northern District of California. We have provided copies to Mr. Smith as well on the day we filed. He refused to accept service of the complaint. Please advise as to whether you will accept service of these papers. Pursuant to Federal Rule of Civil Procedure 4(d), we request that you waive service. I have included two copies of the waiver forms with this email. If you email a signed copy back, I will arrange to file it. We have also attached a copy of Form 5 of the Federal Rules which apprises you of the risks of not waiving. Should you not agree, we reserve all rights under Rule 4(f), including our right to seek our costs for service. Please respond within 60 days, preferably sooner.

If you have any questions regarding the enclosed, do not hesitate to contact me.

Very truly yours,

I. Neel Chatterjee

INC/knm

OHS Wcst:260481135.1

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11 Attorneys for Plaintiff  
12 FACEBOOK, INC.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION  
16

17 FACEBOOK, INC.,

18 Plaintiff,

19 v.

20 STUDIVZ LTD., VERLAGSGRUPPE  
21 GEORG VON HOLTZBRINCK GmbH,  
HOTLZBRINCK NETWORKS GmbH,  
22 HOLTZBRINCK VENTURES GmbH, and  
DOES 1-25,

23 Defendants.  
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Case No. 5:08-cv-03468 JF

**WAIVER OF SERVICE THE OF  
SUMMONS**

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I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

Dated: \_\_\_\_\_, 2008

Attorneys for Defendants  
STUDIVZ LTD., VERLAGSGRUPPE GEORG  
VON HOLTZBRINCK GmbH, HOLTZBRINCK  
NETWORKS GmbH, HOLTZBRINCK  
VENTURES GmbH

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant

1 shows good cause for the failure.

2 "Good cause" does not include a belief that the lawsuit is groundless, or that it has been  
3 brought in an improper venue, or that the court has no jurisdiction over this matter or over the  
4 defendant or the defendant's property.

5 If the waiver is signed and returned, you can still make these and all other defenses and  
6 objections, but you cannot object to the absence of a summons or of service.

7 If you waive service, then you must, within the time specified on the waiver form, serve  
8 an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing  
9 and returning the waiver form, you are allowed more time to respond than if a summons had been  
10 served.

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