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September 5, 2008

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VIA E-MAIL ATTACHMENT

Stephen S. Smith
1900 Avenue of the Stars, 21st Floor
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Re: Facebook v. StudiVZ

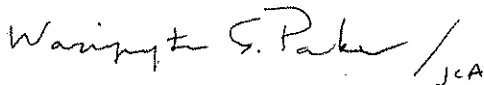
Dear Mr. Smith:

As reflected in your September 4 letter, you acknowledged in your conversation with Neel Chatterjee that your clients intend to file a motion seeking to dismiss the complaint on the grounds that the court lacks personal jurisdiction. You and your German co-counsel have said the same thing in at least two prior letters.

Given this, there is no need to wait for discovery. Whether or not your clients have 90 days to respond to the complaint, it is clear that your clients intend to file a motion to dismiss. Courts routinely allow discovery on the basis of personal jurisdiction. And delay will only postpone the time period in which discovery will be taken. It will therefore only postpone the amount of time it takes for this case to be at issue.

There is no valid reason given in your September 4 letter for delaying discovery. While you do note that your clients may not ultimately file a motion to dismiss for lack of personal jurisdiction, as noted, this statement is at odds with two prior letters, your telephone conversation with Julio Avalos, your telephone conversation with Neel Chatterjee and the content of your September 4 letter. If, indeed, you are not going to file such a motion, contrary to prior representations, you can either tell us now or say as much in an opposition to our motion to seek discovery.

Very truly yours,

 JcA

Warrington S. Parker III