

# **EXHIBIT E**

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File Number: 37106-000.02

August 25, 2008

**Via E-Mail (nchatterjee@orrick.com)**  
**and Regular U.S. Mail**

I. Neel Chatterjee, Esq.  
Orrick, Herrington & Sutcliffe LLP  
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**Re: Facebook, Inc. v. StudiVZ, Ltd., et al.**  
**USDC Northern District, Case No. 5:08-cv-03468 JF**

Dear Mr. Chatterjee:

I am writing in response to your letter of July 24, 2008, addressed to Dr. Anka Reich, in which you requested that the defendants sign a waiver of service of process pursuant to Federal Rule of Civil Procedure 4(d), copies of which you provided with your letter. I have received authorization from my client to sign such a waiver on behalf of the defendants, and have done so, two copies of which I have enclosed with this letter (revised just to include my signature block). Please arrange to have them filed with the Court, as you represented you would in your letter.

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

Very truly yours,



Stephen S. Smith

SSS:nll  
Enclosures (2)

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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,  
HOLTZBRINCK 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 OF THE  
SUMMONS**

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WAIVER OF THE SERVICE OF SUMMONS

TO FACEBOOK, INC. AND THEIR ATTORNEY OF RECORD:

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.

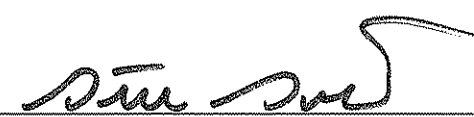
I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

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.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from July 24, 2008, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

DATED: August 25, 2008

GREENBERG GLUSKER FIELDS CLAMAN  
& MACHTINGER LLP

By:   
STEPHEN S. SMITH  
Attorney for Defendants STUDIVZ LTD.,  
VERLAGSGRUPPE GEORG VON  
HOLTZBRINCK GmBH, HOLTZBRINCK  
NETWORKS GmBH, HOLTZBRINCK  
VENTURES GmBH

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**Duty to Avoid Unnecessary Expenses of Serving A Summons**

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 assigned waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

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

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

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