

1 GARY E. WEISS (State Bar No. 122962)
 gweiss@orrick.com
 2 I. NEEL CHATTERJEE (State Bar No. 173985)
 nchatterjee@orrick.com
 3 JULIO C. AVALOS (STATE BAR NO. 255350)
 javalos@orrick.com
 4 ORRICK, HERRINGTON & SUTCLIFFE LLP
 1000 Marsh Road
 5 Menlo Park, CA 94025
 Telephone: 650-614-7400
 6 Facsimile: 650-614-7401

7 WARRINGTON S. PARKER (State Bar No. 148003)
 wparker@orrick.com
 8 ORRICK, HERRINGTON & SUTCLIFFE LLP
 405 Howard Street
 9 San Francisco, CA 94105
 Telephone: 415-773-5700
 10 Facsimile: 415-773-5759

11 Attorneys for Plaintiff
 FACEBOOK, INC.

12
 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
 GEORG VON HOLTZBRINCK GmbH,
 21 HOLTZBRINCK NETWORKS GmbH,
 HOLTZBRINCK VENTURES GmbH AND
 22 DOES 1-25,

23 Defendants.
 24
 25
 26
 27
 28

Case No. 5:08-cv-03468 JF

**DECLARATION OF JULIO C.
 AVALOS PURSUANT TO CIVIL L.R.
 7-11 AND 79-5(B) IN SUPPORT OF
 PLAINTIFF'S ADMINISTRATIVE
 MOTION TO SEAL PORTIONS OF:**

**(1) DECLARATION OF JULIO C.
 AVALOS IN SUPPORT OF
 PLAINTIFF'S REPLY RE:
 PLAINTIFF'S MOTION FOR
 EXPEDITED PERSONAL
 JURISDICTION DISCOVERY AND
 EXHIBITS ATTACHED THERETO**

Date: October 14, 2008
 Time: 10:00 a.m.
 Room: Courtroom 2, 5th Floor
 Judge: Honorable Magistrate Judge
 Howard R. Lloyd, for
 Discovery Purposes

1 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. I am an active member in good standing of the California State Bar.
4 Except as noted otherwise herein, I have personal knowledge of the facts stated and if called as a
5 witness, could and would competently testify thereto. I make this Declaration pursuant to Civil
6 L.R. 7-11 and 79-5(b).

7 2. Good cause exists for sealing certain portions of the Declaration of Julio C. Avalos
8 In Support of Plaintiff's Reply Re: Expedited Personal Jurisdiction Discovery and exhibits
9 attached thereto ("Avalos Declaration").

10 3. No protective order has as yet been entered into in this matter. However, the
11 parties have scheduled a Rule 26 conference for October 10, 2008 during which the terms of such
12 an order will be addressed.

13 4. The Avalos Declaration contains, makes reference to, and attaches confidential
14 information that is subject to a prior confidentiality agreement entered into by the parties to the
15 this litigation. In light of the high profile nature of this case and the extensive media coverage it
16 has received, Plaintiffs request that paragraph 22 of the Avalos Declaration, together with Exhibit
17 I attached thereto, be filed under seal and be redacted from the public record. The proposed
18 redactions are narrowly tailored to cover only a single paragraph and accompanying exhibit
19 which discuss confidential information.

20 5. This Administrative Motion is being made pursuant to Civil L.R. 79-5, which
21 requires a Court order to seal documents and does not permit sealing by stipulation.

22 I declare the foregoing is true and correct to the best of my knowledge.

23 Executed this 30th day of September, at Menlo Park, California.

24

25

26

27

28

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 September 30, 2008.

Dated: September 30, 2008.

Respectfully submitted,

/s/ Julio C. Avalos /s/

Julio C. Avalos