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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

Case No. 5:08-cv-03468 JF

**SUPPLEMENTAL DECLARATION
 OF JULIO C. AVALOS IN SUPPORT
 OF REPLY TO DEFENDANTS'
 OPPOSITION TO FACEBOOK'S
 MOTION FOR EXPEDITED
 PERSONAL JURISDICTION
 DISCOVERY**

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

26 **REDACTED**
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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 make this Declaration in support of Facebook's Motion for
4 Expedited Personal Jurisdiction Discovery. I am an active member in good standing of the
5 California State Bar. Except as set forth herein, I have personal knowledge of the facts stated
6 herein and if called as a witness, could and would competently testify thereto.

7 2. Defendant StudiVZ Ltd. ("StudiVZ") operates the German-language social
8 networking sites www.studivz.net, www.meinvz.net and www.schuelervz.net, as well as the
9 French-language site www.studiqg.net, the Spanish-language site www.estudiln.net, the Polish-
10 language site, www.studiln.pl and the Italian-language, www.studiln.it.

11 3. According to news reports, StudiVZ was initially developed by Dennis Bemann,
12 a German citizen. (<http://www.iht.com/articles/2008/08/07/technology/social.php>)

13 4. According to news reports and his own StudiVZ.net profile page, following his
14 graduation from the Humboldt University of Berlin in 1999, Mr. Bemann lived for an unknown
15 period of time in the United States. *Id.*

16 5. Mr. Bemann worked as a computer programmer in both Colorado and California
17 some time between 1999 and 2005. *Id.*

18 6. According to news reports, the Facebook website and service launched on
19 February 4, 2004.

20 7. As evidenced by Mr. Bemann's profile page on www.facebook.com, Mr.
21 Bemann accessed and became a registered user of Facebook.

22 8. According to news reports, the StudiVZ service launched in October 2005 with
23 www.studivz.net. (<http://en.wikipedia.org/wiki/StudiVZ>). Since that date, StudiVZ has expanded
24 into most of western Europe, including the launching of websites in Spain, France, Italy and
25 Poland. During the months of August and September 2008, StudiVZ has also begun
26 implementing a new "chat" feature on its StudiVZ.net and meinvz.net sites. According to news
27 reports, Facebook introduced a similar chat feature into its service the first week of April 2008.
28 (<http://www.insidefacebook.com/2008/04/06/facebook-chat-launches-tour-first-impressions/>)

1 9. The StudiVZ websites actively interact with, support and rely on support from
2 users located in California.

3 10. A true and correct copy of a screenshot captured on July 30, 2008 of a StudiVZ.net
4 “search result” for registered California users is attached hereto as **Exhibit B**.

5 11. On July 18, 2008, plaintiff Facebook, Inc. (“Facebook”) brought suit against
6 StudiVZ, Ltd., Verlagsgruppe Georg von Holtzbrinck GmbH (“VGH”), Holtzbrinck Networks
7 GmbH (“HNG”), Holtzbrinck Ventures GmbH (“HVG”) and as yet unidentified Does 1-25.

8 12. Also on July 18, 2008, StudiVZ Ltd. brought an action for declaratory relief
9 against Facebook in German civil court. A true and correct copy of a certified English translation
10 of StudiVZ’s declaratory action is attached hereto as **Exhibit C**.

11 13. On July 18, 2008, Facebook emailed Defendants’ counsel a copy of the Complaint
12 filed against Defendants and also asked whether he was authorized to accept service on behalf of
13 Defendants. Defendants’ counsel refused.

14 14. On August 1, 2008, service packages including the complaint, exhibits and
15 miscellaneous standing and scheduling orders and German translations of same, were mailed to
16 German local authorities pursuant to the Hague Convention procedures on the service of process
17 abroad.

18 15. On July 24, 2008 Facebook requested that Defendants waive service. Defendants
19 ignored Facebook’s request.

20 16. On August 21, 2008, defendant VGH was served pursuant to the Hague
21 Convention. A true and correct copy of the proof of service on VGH is attached hereto as
22 **Exhibit D**. Facebook did not learn of the effected service until September 17, 2008.

23 17. On August 25, 2008, Defendants’ counsel responded for the first time to
24 Facebook’s request for a waiver of service. Defendants’ counsel returned Facebook’s waiver of
25 service, purportedly as to all four named Defendants.

26 18. Two of the three remaining Defendants were served pursuant to the Hague
27 Convention on August 27, 2008 (HNG) and August 29, 2008 (HVG).

28 19. True and correct copies of the proofs of service on HNG and HVG are attached

1 hereto as **Exhibits E and F**, respectively.

2 20. A true and correct copy of a screenshot of HNG's website describing its interest in
3 StudiVZ is attached hereto as **Exhibit G**.

4 21. A true and correct copy of a screenshot of HVG's website describing its interest in
5 StudiVZ is attached hereto as **Exhibit H**.



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

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

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Julio C. Avalos