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 14 Holtzbrinck Networks GmbH, and
 15 Holtzbrinck Ventures GmbH

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN JOSE DIVISION

19 GREENBERG GLUSKER FIELDS CLAMAN
 20 & MACHTINGER LLP
 21 1900 Avenue of the Stars, 21st Floor
 22 Los Angeles, California 90067-4590

23 FACEBOOK, INC.,
 24
 25 Plaintiff,

26 v.

27 STUDIVZ LTD.,
 28 VERLAGSGRUPPE GEORG VON
 HOLTZBRINCK GmbH,
 HOLTZBRINCK NETWORKS
 GmbH, HOLTZBRINCK
 VENTURES GmbH, and DOES 1-
 25,
 Defendants.

Case No. 5:08-CV-03468 JF

Assigned To: Hon. Jeremy Fogel

**[PROPOSED] ORDER GRANTING
 MOTION TO DISMISS FOR LACK
 OF PERSONAL JURISDICTION
 AND FORUM NON CONVENIENS
 ON BEHALF OF HOLTZBRINCK
 NETWORKS GmbH AND
 HOLTZBRINCK VENTURES GmbH**

Date: February 13, 2009
 Time: 9:00 a.m.
 Dept./Place: Courtroom 3

Complaint Filed: July 18, 2008

1 The Motion to Dismiss for Lack of Personal Jurisdiction and *Forum Non*
2 *Conveniens* on Behalf of Holtzbrinck Networks GmbH and Holtzbrinck Ventures
3 GmbH (“Motion”) was heard at 9:00 a.m. on February 13, 2009 in Courtroom 3 of
4 the above-entitled Court, the Honorable Jeremy Fogel, United States District Judge,
5 presiding.

6
7 Having considered the files in this case, and the papers and arguments of the
8 parties and the parties’ counsel, it is ORDERED that the Motion is GRANTED in
9 its entirety. This forum cannot exercise personal jurisdiction over Holtzbrinck
10 Networks GmbH and Holtzbrinck Ventures GmbH (collectively “Holtzbrinck
11 Entities”), which are German limited liability companies with their operations in
12 Germany and that do not have the requisite minimum contacts with California.

13
14 In addition, and alternatively, California is an inconvenient forum for this
15 case, and Germany is a much better, and an adequate, alternative forum. A lawsuit
16 is already proceeding in Germany that covers essentially the same issues and claims
17 that are involved here. The events that gave rise to this litigation took place in
18 Germany, not California, and plaintiff Facebook, Inc. (“Facebook”) alleges the
19 harm to its reputation took place in Germany and other parts of Europe, not
20 California. There is thus no local interest in having this matter resolved in
21 California. Given such a lack of nexus between the Holtzbrinck Entities on the one
22 hand and California on the other, the lack of nexus between Facebook’s claims and
23 California, the crowded federal dockets, the problems presented by German-
24 speaking witnesses and German documents, the complex choice of law issues, and

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1 the risk of inconsistent judgments, it would be an inefficient use of judicial
2 resources for this case to proceed in California instead of in Germany.

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4 IT IS SO ORDERED.

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6 DATED: _____, 2008

7 The Honorable Jeremy Fogel
8 United States District Judge
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