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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

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 22 Los Angeles, California 90067-4590

23 FACEBOOK, INC.,

24 Plaintiff,

25 v.

26 STUDIVZ LTD.,  
 27 VERLAGSGRUPPE GEORG VON  
 28 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 OR,  
 IN THE ALTERNATIVE, FOR  
 FORUM NON CONVENIENS ON  
 BEHALF OF STUDIVZ LTD.**

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 or, in the  
2 Alternative, for *Forum Non Conveniens* on Behalf of StudiVZ Ltd. (“Motion”) was  
3 heard at 9:00 a.m. on February 13, 2009 in Courtroom 3 of the above-entitled  
4 Court, the Honorable Jeremy Fogel, United States District Judge, presiding.

5 Having considered the files in this case, and the papers and arguments of the  
6 parties and their counsel, it is ORDERED that the Motion is GRANTED in its  
7 entirety. This forum cannot exercise personal jurisdiction over StudiVZ Ltd.,  
8 which is a United Kingdom limited liability company with its operations in  
9 Germany and does not have the requisite minimum contacts with California.

10 In addition, and alternatively, California is an inconvenient forum for this  
11 case, and Germany is a much better, and an adequate, alternative forum. A lawsuit  
12 between the parties is already proceeding in Germany that covers essentially the  
13 same issues and claims that are involved here. The events that gave rise to this  
14 litigation took place in Germany, not California, and plaintiff Facebook, Inc.  
15 (“Facebook”) alleges the harm to its reputation took place in Germany and other  
16 parts of Europe, not California. There is thus no local interest in having this matter  
17 resolved in California. Given such a lack of nexus between StudiVZ and California  
18 or between Facebook’s claims and California, the crowded federal dockets, the  
19 problems presented by German-speaking witnesses and German documents, the  
20 complex choice of law issues, and the risk of inconsistent judgments, it would be an  
21 inefficient use of judicial resources for this case to proceed in California instead of  
22 in Germany.

23  
24 IT IS SO ORDERED.

25  
26 DATED: \_\_\_\_\_, 2008

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The Honorable Jeremy Fogel  
United States District Judge