

1 I. NEEL CHATTERJEE (SBN 173985)  
 nchatterjee@orrick.com  
 2 JULIO C. AVALOS (SBN 255350)  
 javalos@orrick.com  
 3 ORRICK, HERRINGTON & SUTCLIFFE  
 LLP  
 4 1000 Marsh Road  
 Menlo Park, CA 94025  
 5 Telephone: +1-650-614-7400  
 Facsimile: +1-650-614-7401  
 6

STEPHEN S. SMITH (SBN 166539)  
 ssmith@greenbergglusker.com  
 WILLIAM M. WALKER (SBN  
 145559)  
 wwalker@greenbergglusker.com  
 GREENBERG GLUSKER FIELDS  
 CLAMAN & MACHTINGER LLP  
 1900 Avenue of the Stars, 21st Floor  
 Los Angeles, California 90067-4590  
 Telephone: +1-310-553-3610  
 Fax: +1-310-553-0687

Attorneys For Defendants STUDIVZ,  
 LTD., HOLTZBRINCK NETWORKS  
 GMBH,  
 HOLTZBRINCK VENTURES GMBH

7  
 8  
 9 ANNETTE L. HURST (SBN 148738)  
 ahurst@orrick.com  
 10 ORRICK, HERRINGTON & SUTCLIFFE  
 LLP  
 11 The Orrick Building  
 405 Howard Street  
 12 San Francisco, CA 94105-2669  
 13 Telephone: +1-415-773-5700  
 Facsimile: +1-415-773-5759  
 14

Attorneys for Plaintiff  
 FACEBOOK, INC.

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN JOSE DIVISION  
 19

20 FACEBOOK, INC.,

21 Plaintiff,

22 v.

23 STUDIVZ LTD., HOLTZBRINCK  
 24 NETWORKS GmbH, HOLTZBRINCK  
 VENTURES GmbH, and DOES 1-25,

25 Defendant.  
 26

Case No. 5:08-cv-03468 JF

**STIPULATION FOR [PROPOSED]  
 PROTECTIVE ORDER**

1           WHEREAS, the parties to this action, Plaintiff Facebook, Inc. (“Facebook”) and  
2 Defendants StudiVZ Ltd., Holtzbrinck Networks GmbH and Holtzbrinck Ventures GmbH  
3 (collectively the “StudiVZ Defendants”) agree that good cause exists for a Protective Order  
4 protecting the confidentiality of discovery material produced by each side in this action;

5           WHEREAS, a disagreement exists between the parties regarding restrictions on the use of  
6 confidential information produced in this matter, specifically, whether discovery obtained in this  
7 litigation may be used in connection with other actions between the parties (herein referred to as  
8 the “Dispute”);

9           WHEREAS, Defendants have noticed a motion for protective order set for hearing on  
10 December 9 in part concerning the Dispute;

11           WHEREAS, the parties wish to avoid delay in discovery pending resolution by the Court  
12 of the Dispute;

13           WHEREAS, in order to avoid such delay, the parties have agreed to stipulate to a form of  
14 Protective Order based on the Court’s default form of order in the interim without prejudice to  
15 either side’s position relating to the Dispute and without altering any pre-existing burdens of  
16 proof with regard to the scope of restrictions on confidential information produced in discovery in  
17 this action;

18           NOW THEREFORE, the parties hereby stipulate and agree to the foregoing points and  
19 request that the Court enter the Stipulated [Proposed ] Protective Order submitted herewith on the  
20 foregoing terms.

21           IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

22           I, Annette L. Hurst, am the ECF User whose identification and password are being used to  
23 file this **STIPULATION FOR [PROPOSED] PROTECTIVE ORDER**. Pursuant to General  
24 Order 45.X.B., I hereby attest that Stephen S. Smith, counsel for **Defendants**, has concurred in  
25 this filing.

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

Dated: November 21, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Annette L. Hurst /s/  
ANNETTE L. HURST  
Attorneys for Plaintiff  
FACEBOOK, INC.

Dated: November 21, 2008

GREENBERG GLUSKER FIELDS CLAMAN &  
MACHTINGER LLP

/s/ Stephen S. Smith /s/  
STEPHEN S. SMITH  
ATTORNEYS FOR DEFENDANTS

