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13 Attorneys for Defendant
 14 StudiVZ Ltd.

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

18 FACEBOOK, INC.,

19 Plaintiff,

20 v.

21 STUDIVZ LTD.,
 22 VERLAGSGRUPPE GEORG VON
 23 HOLTZBRINCK GmbH,
 24 HOLTZBRINCK NETWORKS
 25 GmbH, HOLTZBRINCK
 26 VENTURES GmbH, and DOES 1-
 27 25,

28 Defendant.

Case No. 5:08-CV-03468 JF

Assigned To: Hon. Jeremy Fogel

DECLARATION OF WILLIAM M. WALKER IN SUPPORT OF DEFENDANTS' MOTIONS TO DISMISS FOR LACK OF PERSONAL JURISDICTION OR, IN THE ALTERNATIVE, FOR *FORUM NON CONVENIENS* TO INFORM COURT OF NEW GERMAN ACTION

[Supplemental Memorandum Filed Concurrently Herewith]

Date: February 13, 2009

Time: 9:00 a.m.

Dept./Place: Courtroom 3

Complaint Filed: July 18, 2008

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

DECLARATION OF WILLIAM M. WALKER

I, William M. Walker, declare:

1. I am an attorney at law duly licensed to practice in the State of California and before the United States District Court for the Northern District of California, and am a partner at Greenberg Glusker Fields Claman & Machtinger LLP, counsel of record for defendants StudiVZ Ltd. (“StudiVZ”), Holtzbrinck Networks GmbH (“Networks”) and Holtzbrinck Ventures GmbH (“Ventures”) (collectively, “Defendants”). I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto under oath.

2. I graduated from the University of California, Davis in 1985 with a bachelor of arts degree in German literature. I speak and read German fluently. Since graduating from law school in 1988, I have had extensive experience advising German clients doing business in the U.S. and U.S. clients doing business in Germany, frequently in German.

3. On information and belief, a true and correct copy of the response (the “Response”) filed by Facebook, Inc. (“Facebook”) in the lawsuit brought by StudiVZ against Facebook in the Landgericht Stuttgart (district court Stuttgart) in Stuttgart, Germany (the “First German Action”) is attached as “Exhibit O” to the Declaration of Dr. Anton G. Maurer in Support of Defendants’ Motion for Protective Order. (Docket No. 65).

4. The Response presents Facebook’s defenses and evidence in the First German Action. Apparently on the same day that Facebook filed the Response in the First German Action, Facebook filed an eighty-eight page long, single-spaced

1 Complaint at the “Landgericht Köln” (district court Cologne), in Cologne, Germany
2 against StudiVZ (the “Second German Action”). Facebook’s Complaint in the
3 Second German Action is attached as “Exhibit B1” to, and fully incorporated by
4 reference into, Facebook’s Response in the First German Action.
5

6 5. Defendants’ German counsel obtained an English translation of
7 “Exhibit B1” to the Response, a true and correct copy of which is attached hereto as
8 “Exhibit F.” I have read both the German version of “Exhibit B1” to the Response
9 (Maurer Decl., Ex. O) and the English translation thereof (Ex. F), and the latter is
10 an accurate English translation of the former.
11

12 6. The Second German Action is essentially based on the identical facts
13 and conduct as the case at bar and the First German Action, and seeks several
14 different forms of affirmative relief against StudiVZ (including but not limited to
15 monetary damages, injunctive relief, and an accounting).
16

17 I declare under penalty of perjury under the laws of the State of California
18 and the United States of America that the foregoing is true and correct, and that this
19 declaration was executed in Los Angeles, California on December 18, 2008.
20
21

22 _____ /s William M. Walker

23 William M. Walker
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