

1 STEPHEN S. SMITH (SBN 166539)
 2 SSmith@GreenbergGlusker.com
 3 WILLIAM M. WALKER (SBN 145559)
 4 WWalker@GreenbergGlusker.com
 5 AARON J. MOSS (SBN 190625)
 6 AMoss@GreenbergGlusker.com
 7 GREENBERG GLUSKER FIELDS
 8 CLAMAN & MACHTINGER LLP
 9 1900 Avenue of the Stars, 21st Floor
 10 Los Angeles, California 90067-4590
 11 Telephone: 310.553.3610
 12 Fax: 310.553.0687

13 Attorneys for Defendants studiVZ Ltd.,
 14 Holtzbrinck Networks GmbH, and
 15 Holtzbrinck Ventures GmbH

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

19 FACEBOOK, INC.,

20 Plaintiff,

21 v.

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

26 Defendants.

Case No. 5:08-CV-03468 JF
 Assigned To: Hon. Jeremy Fogel

**DECLARATION OF WILLIAM M.
 WALKER IN SUPPORT OF
 DEFENDANTS' MOTION FOR
 SANCTIONS DUE TO FACEBOOK'S
 CANCELLATION OF DEPOSITIONS
 AFTER DEFENSE COUNSEL HAD
 ALREADY FLOWN TO GERMANY**

[Notice of Motion and Memorandum of
 Points and Authorities, and Declaration
 of Stephen S. Smith (with exhibits), and
 (Proposed) Order filed concurrently]

Date: March 3, 2009
 Time: 10:00 a.m.
 Dept./Place: Courtroom 2, 5th Floor
 Hon. Howard R. Lloyd

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 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., Holtzbrinck Networks GmbH, and Holtzbrinck Ventures GmbH (“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. This declaration is submitted in connection with Defendants’ motion for sanctions due to Facebook’s cancellation of two depositions after defense counsel had already traveled to Germany to attend them.

2. On December 30, 2008, during a meet and confer conversation I had with Tom Gray, Mr. Gray asked me whether Messrs. Weber and Brehm were being produced pursuant to Rule 30(b)(6). Facebook had previously served Rule 30(b)(6) notices, but had voluntarily withdrawn them back in November 2008. For that reason, I said that the witnesses were not formally being produced under Rule 30(b)(6), but I added that the witnesses were, in fact, the persons most knowledgeable about personal jurisdiction and forum and would be prepared to testify about any topics related thereto.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct, and that this declaration was executed in Los Angeles, California on January 27, 2009.

/s William Walker

William Walker