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6 Attorneys for Plaintiff  
7 FACEBOOK, INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

12 FACEBOOK, INC.,  
 13 Plaintiff,  
 14 v.  
 15 POWER VENTURES, INC. a Cayman Island  
 Corporation; STEVE VACHANI, an  
 16 individual; DOE 1, d/b/a POWER.COM,  
 DOES 2-25, inclusive,  
 17 Defendants.  
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Case No. 5:08-cv-05780 JF (RS)

Assigned To: Hon. Judge Jeremy Fogel

**STIPULATION AND ~~{PROPOSED}~~  
 ORDER TO EXTEND TIME AND  
~~{PROPOSED}~~ BRIEFING SCHEDULE  
 PURSUANT TO CIVIL L.R. 6-2**

1 This stipulation is entered into by and between Plaintiff/Counter-Defendant Facebook,  
2 Inc. (“Facebook”) and Defendant/Counter-Plaintiffs Power Ventures, Inc. and Steven Vachani  
3 (“Power”) through their respective counsel as follows:

4 WHEREAS, on November 23, 2009, Power filed an Amended Answer and Counter-  
5 Complaint Against Facebook (“Amended Answer”);

6 WHEREAS, Facebook intends to file a Motion to Dismiss the Amended Answer as well  
7 as a Motion to Strike the Affirmative Defenses Contained Therein;

8 WHEREAS, the parties have met and conferred regarding their respective intentions to  
9 move for summary judgment on the present record before the Court;

10 WHEREAS, the parties have negotiated a briefing schedule that they believe is in the  
11 interests of judicial efficiency and justice and no prior time modifications have been obtained;

12 WHEREAS, this stipulated briefing schedule would not have any adverse effect on the  
13 schedule for this case, and would, in fact, likely serve to expedite its resolution;

14 NOW THEREFORE, subject to the approval of the Court, the parties hereby stipulate to  
15 the following briefing schedule:

- 16 (1) Facebook shall file its Motion for Summary Judgment on or before **December 23,**  
17 **2009;**
- 18 (2) Facebook’s deadline to respond to Power’s Amended Counter-Complaint is hereby  
19 extended from December 17, 2009 to **December 30, 2009;** Facebook shall file its Motion  
20 to Dismiss Power’s Amended Counter-Complaint as well as its Motion to Strike Power’s  
21 Affirmative Defenses on or before that date;
- 22 (3) Power shall file its Opposition to Facebook’s Motion to Dismiss as well as  
23 Power’s own Motion for Summary Judgment on or before **January 15, 2009;**
- 24 (4) Facebook shall file its Reply Brief In Support of Its Motion to Dismiss Power’s  
25 Amended Answer as well as its Opposition to Power’s Motion for Summary Judgment on  
26 or before **January 29, 2009;**
- 27 (5) Power shall file its Reply Brief In Support of Its Motion for Summary Judgment  
28 on or before **February 12, 2009;**

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(6) The Court shall hear argument on the respective motions for summary adjudication as well as Facebook’s Motion to Dismiss Power’s Amended Counter-Complaint and Strike Power’s Affirmative Defenses on **February 26, 2009**, or as soon thereafter as is practicable.

(7) The Case Management Conference scheduled for January 29, 2009 is continued to **February 26, 2009**.

Dated: December 17, 2009

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Neel Chatterjee  
NEEL CHATTERJEE  
Attorneys for Plaintiff  
FACEBOOK, INC.

Dated: December 17, 2009

LAW OFFICES OF SCOTT A. BURSOR

/s/ Scott A. Bursor  
SCOTT A. BURSOR  
Attorneys for Defendants  
POWER VENTURES, INC. & STEVEN  
VACHANI

**Filer’s Attestation:** Pursuant to General Order No. 45, §X(B), I attest under penalty of perjury that concurrence in the filing of the document has been obtained from its signatory.

Dated: December 17, 2009

Respectfully submitted,

/s/ Neel Chatterjee  
NEEL CHATTERJEE


1 **~~PROPOSED~~ ORDER**

2 Pursuant to the parties' stipulation, the following briefing schedule is adopted:

- 3 (1) Facebook, Inc. ("Facebook") shall file its Motion for Summary Judgment on or  
4 before **December 23, 2009**;
- 5 (2) Facebook's deadline to respond to Power's Amended Counter-Complaint is hereby  
6 extended from December 17, 2009 to **December 30, 2009**; Facebook shall file its Motion  
7 to Dismiss Power's Amended Counter-Complaint as well as its Motion to Strike Power's  
8 Affirmative Defenses on or before that date;
- 9 (3) Power shall file its Opposition to Facebook's Motion to Dismiss as well as its  
10 Motion for Summary Judgment on or before **January 15, 2009**;
- 11 (4) Facebook shall file its Reply Brief In Support of Its Motion to Dismiss Power's  
12 Amended Answer as well as its Opposition to Power's Motion for Summary Judgment on  
13 or before **January 29, 2009**;
- 14 (5) Power shall file its Reply Brief In Support of Its Motion for Summary Judgment  
15 on or before **February 12, 2009**;
- 16 (6) The Court shall hear argument on the respective motions for summary adjudication  
17 as well as Facebook's Motion to Dismiss Power's Amended Counter-Complaint on  
18 **February 26, 2009**.
- 19 (7) The Case Management Conference scheduled for January 29, 2009 is continued to  
20 **February 26, 2009**.

21  
22 IT IS SO ORDERED.

23 1/6/2010  
24 DATED: ~~December~~ 1/6, 2010

25   
26 Hon. Jeremy Fogel  
27 UNITED STATES DISTRICT COURT JUDGE  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on December 17, 2009.

Dated: December 17, 2009

Respectfully submitted,

/s/ Neel Chatterjee  
Neel Chatterjee