

1 I. NEEL CHATTERJEE (STATE BAR NO. 173985)
nchatterjee@orrick.com
2 JULIO C. AVALOS (STATE BAR NO. 255350)
javalos@orrick.com
3 ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
4 Menlo Park, CA 94025
Telephone: +1-650-614-7400
5 Facsimile: +1-650-614-7401

6 JESSICA S. PERS (STATE BAR NO. 77740)
jpers@orrick.com
7 Orrick, Herrington & Sutcliffe LLP
The Orrick Building
8 405 Howard Street
San Francisco, CA 94105-2669
9 Telephone: +1-650-614-7400
Facsimile: +1-650-614-7401

10 THOMAS J. GRAY (STATE BAR NO. 191411)
tgray@orrick.com
11 Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
12 Irvine, CA 92614-2558
Telephone: +1-949-567-6700
13 Facsimile: +1-949-567-6710

14 Attorneys for Plaintiff
15 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 POWER VENTURES, INC. a Cayman Island
Corporation; STEVE VACHANI, an
24 individual; DOE 1, d/b/a POWER.COM,
DOES 2-25, inclusive,

25 Defendants.
26
27
28

Case No. 5:08-cv-05780 JW (HRL)

**DECLARATION OF JULIO C.
AVALOS IN SUPPORT OF REPLY
TO AMICUS CURIAE ELECTRONIC
FRONTIER FOUNDATION IN
SUPPORT OF DEFENDANT POWER
VENTURES' MOTION FOR
SUMMARY JUDGMENT**

1 I, Julio C. Avalos, declare as follows:

2 1. I am a member of, and in good standing with, the Bar of the State of California and
3 am admitted to practice before this Court. I am an associate at the law firm of Orrick, Herrington
4 & Sutcliffe LLP, counsel to Plaintiff Facebook, Inc. ("Facebook"). I make this declaration of my
5 own personal knowledge unless otherwise indicated herein. If called as a witness, I could and
6 would testify competently to the truth of the matters set forth herein.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of a certified court
8 reporter's transcript of the June 7, 2010 hearing on Facebook's motion for judgment on the
9 pleadings and for partial summary judgment, Facebook's motion to dismiss counterclaims and to
10 strike affirmative defenses, and defendant Power's motion for summary judgment on Facebook's
11 California Penal Code 502(c) claim.

12 3. Attached hereto as **Exhibit B** is a true and correct copy of a 1984 Senate
13 Committee On Judiciary Background Information questionnaire regarding Assembly Bill 2551.

14 4. Attached hereto as **Exhibit C** is a true and correct copy of "Proposed Chapter 949
15 (Assembly Bill No. 2551), an act to amend Section 502 of the Penal Code, relating to computers,
16 1984 Regular Session, Approved by the Governor on September 7, 1984 and filed with the
17 Secretary of State on September 10, 1984."

18 I declare under penalty of perjury under the laws of the United States that the foregoing is
19 true and correct and that this declaration was hereby executed at Menlo Park, California on
20 July 6, 2010.

21
22
23 /s/ Julio C. Avalos
24 JULIO C. AVALOS
25
26
27
28