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6 Attorneys for Defendant  
 7 FACEBOOK, INC.

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

12 DAVID GOULD, an individual, on behalf of  
 himself and all others similarly situated,  
 13  
 14 Plaintiff,  
 v.  
 15 FACEBOOK, INC., a Delaware corporation,  
 16 Defendant.

Case No. 10-cv-02389-JW (PVT)

**DEFENDANT FACEBOOK, INC.’S NOTICE  
 OF PENDENCY OF OTHER ACTIONS OR  
 PROCEEDINGS (L.R. 3-13)**

Courtroom: 8  
 Judge: James Ware  
 Trial Date: None Set

17 MIKE ROBERTSON, individually and on behalf  
 of all others similarly situated,  
 18  
 19 Plaintiff,  
 v.  
 20 FACEBOOK, INC., a Delaware corporation, and  
 DOES 1-50, inclusive,  
 21 Defendant.  
 22

Case No. 10-cv-02408-JW (PVT)

23 Pursuant to Civil Local Rule 3-13, Defendant Facebook, Inc. (“Facebook”), by and  
 24 through its undersigned counsel of record, hereby notifies the Court and all opposing parties that  
 25 the actions entitled *Gould v. Facebook Inc.*, Case No. 10-cv-02389-JW (PVT) (“*Gould*”), and  
 26 *Robertson v. Facebook*, Case No. 10-cv-02408-JW (PVT) (“*Robertson*”), involve all or a material  
 27 part of the same subject matter and the same defendant as actions pending in another federal  
 28 district court.

1 **Marfeo v. Facebook, Inc.**

2 An action titled *Wendy Marfeo v. Facebook, Inc.*, Case No. 10-cv-00262-S-LDA (filed  
3 June 17, 2010), (“*Marfeo*”) is pending in the United States District Court for the District of Rhode  
4 Island, before the Honorable William E. Smith. A true and correct copy of the complaint in  
5 *Marfeo* is attached hereto as **Exhibit A**.

6 Like *Gould* and *Robertson*, *Marfeo* is a putative class action against Facebook alleging  
7 transmission of Facebook’s users’ personal information through “referrer IDs” or “referrer  
8 headers.” (Ex. A ¶¶ 1-16.) Plaintiff in *Marfeo* brings claims for (a) violation of the Stored  
9 Communications Act, 18 U.S.C. § 2701 *et seq.*, (b) breach of contract, (c) breach of the implied  
10 covenant of good faith and fair dealing, and (d) unjust enrichment. Each of these four claims is  
11 also alleged in the *Gould* and/or *Robertson* complaints. Like Plaintiffs in *Gould* and *Robertson*,  
12 Plaintiff in *Marfeo* seeks to represent a nationwide class of Facebook users. (*Id.* ¶ 21.) The  
13 putative class is defined as: “All Facebook users, who reside in the United States, whose user ID  
14 was embedded in the URL Referrer Header, and who clicked on a third-party advertisement  
15 displayed on Facebook’s social networking website, anytime on or before May 21, 2010.” (*Id.*)

16 Facebook has not been served in *Marfeo*.

17 **Rose v. Facebook, Inc.**

18 An action titled *Rose v. Facebook, Inc.*, Case No. 10-cv-00232-S-DLM (filed May 21,  
19 2010), (“*Rose*”) is currently pending in the United States District Court for the District of Rhode  
20 Island, before the Honorable William E. Smith. A true and correct copy of the complaint in *Rose*  
21 is attached hereto as **Exhibit B**. The complaint in *Rose* was filed by the same counsel who filed  
22 the complaint in *Marfeo*, discussed above.

23 Plaintiff in *Rose* alleges that Facebook shares users’ personal information with certain  
24 websites through a feature called “Instant Personalization.” Plaintiff alleges that Facebook’s  
25 default settings for the Instant Personalization feature resulted in violations of users’ expectations  
26 of privacy. (*Id.* ¶¶ 1-5.) Plaintiff’s claims are for (a) violation of the Stored Communications  
27 Act, 18 U.S.C. § 2701 *et seq.* and (b) breach of the implied covenant of good faith and fair  
28 dealing. Plaintiff brings a putative class action, with the putative class defined as: “All persons

1 who reside in the United States and who were Facebook account users prior to April 18, 2010  
2 and to whose accounts Facebook added its Instant Personalization social networking tool.” (*Id.*  
3 ¶ 10.)

4 Facebook has not been served in *Rose*.

5  
6 Dated: August 10, 2010

COOLEY LLP

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/s/

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Matthew D. Brown (196972)

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Attorneys for Defendant  
FACEBOOK, INC.

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