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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
 21 DOES 1-50, inclusive,
 22 Defendant.

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*.

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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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