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10 Attorneys for Plaintiff
 FACEBOOK, INC.

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

16 FACEBOOK, INC., a Delaware
 corporation,

17 Plaintiff,

18 v.

19 MAXBOUNTY, INC., a Canadian
 20 corporation,

21 Defendant.

Case No. 10-CV-4712-JF

**DECLARATION OF JAMES R.
 MCCULLAGH IN SUPPORT OF
 PLAINTIFF FACEBOOK INC.'S
 OPPOSITION TO MAXBOUNTY, INC.'S
 MOTION TO DISMISS COUNTS I, II AND
 III OF THE COMPLAINT**

Hearing Date: February 11, 2011
 Time: 9:00 a.m.

1 I, James R. McCullagh, declare as follows:

2 1. I am counsel for Plaintiff Facebook, Inc. in the above-captioned action. I am
3 making this declaration in support of Facebook's concurrently filed Opposition to Maxbounty's
4 Motion to Dismiss Counts I, II, and III of Facebook's Complaint.

5 2. Attached as Exhibit A is a true and correct copy of the unpublished decision
6 *MySpace v. TheGlobe.com*, No. CV 06-3391, 2007 WL 1686966 (C.D. Cal. Feb. 27, 2007).

7 3. Attached as Exhibit B is a true and correct copy of the unpublished decision
8 *Facebook, Inc. v. Wallace*, No. 5:09-cv-00798-JF, 2009 WL 3617789 (N.D. Cal. Oct. 29, 2009).

9 4. Attached as Exhibit C is a true and correct copy of the unpublished decision in
10 *Dental Health Prods., Inc. v. Ringo*, No. 08-c-1039, 2009 WL 1076883 (E.D. Wis. Apr. 20,
11 2009).

12 5. Attached as Exhibit D is a true and correct copy of the unpublished decision in
13 *TEKsystems, Inc. v. Modis, Inc.*, No. 08-C-5476, 2008 WL 5155720 (N.D. Ill. Dec. 5, 2008).

14 6. Attached as Exhibit E is a true and correct copy of the unpublished decision in *Joe*
15 *N. Pratt Ins. v. Doane*, No. V-07-07, 2008 WL 819011 (S.D. Tex. Mar. 20, 2008).

16 7. Attached as Exhibit F is a true and correct copy of the unpublished decision in
17 *Swift v. Zynga Game Network, Inc.*, No. C 09-05443 SBA, 2010 WL 4569889 (N.D. Cal. Nov. 3,
18 2010).

19 8. Attached as Exhibit G is a true and correct copy of an email sent from Laura
20 Ewbank to John LeRoy on October 28, 2010.

21 I declare under penalty of perjury that the foregoing is true and correct.

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23 DATED: January 21, 2011

/s/ James R. McCullagh
James R. McCullagh

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