

1 Mark B. Mizrahi, State Bar No. 179384
2 mmizrahi@brookskushman.com
3 BROOKS KUSHMAN P.C.
4 6701 Center Drive, Suite 610
5 Los Angeles, CA 90045
6 Tel. (310) 348-8200; Fax (310) 846-4799

7 Thomas A. Lewry (Admitted *Pro Hac Vice*)
8 tlewry@brookskushman.com
9 John S. LeRoy (Admitted *Pro Hac Vice*)
10 jleroy@brookskushman.com
11 BROOKS KUSHMAN P.C.
12 1000 Town Center, Twenty-Second Floor
13 Southfield, MI 48075
14 Tel. (248) 358-4400; Fax (248) 358-3351

15 *Attorneys for Defendant MaxBounty, Inc.*

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN JOSE DIVISION**

19 FACEBOOK, INC., a Delaware
20 corporation,

21 Plaintiff,

22 v.

23 MAXBOUNTY, INC., a Canadian
24 corporation,

25 Defendant.

Case No. 5:10-cv-4712-JF

**[PROPOSED] ORDER GRANTING
DEFENDANT MAXBOUNTY, INC.'S
MOTION TO DISMISS COUNTS I, II
AND III OF FACEBOOK'S AMENDED
COMPLAINT PURSUANT TO
FED.R.CIV.P. 12(b)(6)**

Hearing

Date: Friday, July 8, 2011
Time: 9:00 a.m.

1 The Court, having considered Defendant MaxBounty, Inc.'s Motion to Dismiss Counts I,
2 II and III of Facebook's Amended Complaint, pursuant to Fed.R.Civ.P. 12(b)(6), and all
3 associated briefing and evidence, IT IS HEREBY ORDERED THAT the Motion is GRANTED.

4 Counts I-III of the Complaint are hereby dismissed with prejudice, pursuant to
5 Fed.R.Civ.P. 12(b)(6).

6 IT IS SO ORDERED.

7
8 Dated: _____

The Honorable Jeremy Fogel,
United States District Judge

9
10
11 Presented on May 13, 2011 by:

12
13 /s/ Thomas A. Lewry
14 Thomas A. Lewry (Admitted *Pro Hac Vice*)
15 tlewry@brookskushman.com
16 John S. LeRoy (Admitted *Pro Hac Vice*)
17 jleroy@brookskushman.com
18 BROOKS KUSHMAN P.C.
19 1000 Town Center, Twenty-Second Floor
20 Southfield, MI 48075
21 Tel. (248) 358-4400; Fax (248) 358-3351

22 *Attorneys for Defendant MaxBounty, Inc.*

CERTIFICATE OF ELECTRONIC SERVICE

1
2 I hereby certify that on May 13, 2011, I electronically filed the foregoing document
3 with the Clerk of the Court for the Northern District of California using the ECF System which
4 will send notification to the following registered participants of the ECF System as listed on the
Court's Notice of Electronic Filing: Joseph Perry Cutler, James R. McCullagh, and Brian Patrick
Hennessy.

5 I also certify that I have mailed by United States Postal Service the paper to the following
6 non-participants in the ECF System: NONE.

7
8 By: /s/ Thomas A. Lewry
tlewry@brookskushman.com
9 **BROOKS KUSHMAN P.C.**

Attorneys for Defendant, MaxBounty, Inc.