

1 Brian P. Hennessy, State Bar No. 226721  
BHennessy@perkinscoie.com  
2 PERKINS COIE LLP  
3150 Porter Drive  
3 Palo Alto, CA 94304-1212  
Telephone: 650.838.4300  
4 Facsimile: 650.838.4350

5 James R. McCullagh, *pro hac vice*  
JMcCullagh@perkinscoie.com  
6 Joseph P. Cutler, *pro hac vice*  
JCutler@perkinscoie.com  
7 PERKINS COIE LLP  
1201 Third Avenue, Suite 4800  
8 Seattle, WA 98101  
Telephone: 206.359.8000  
9 Facsimile: 206.359.9000

10 Attorneys for Plaintiff  
11 FACEBOOK, INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION  
15

16 FACEBOOK, INC., a Delaware  
corporation,

17 Plaintiff,

18 v.  
19

20 MAXBOUNTY, INC., a Canadian  
corporation,

21 Defendant.

**Case No. 10-CV-4712-JF**

**[PROPOSED] ORDER DENYING  
MAXBOUNTY, INC.'S MOTION TO  
DISMISS COUNTS I, II AND III OF  
FACEBOOK'S FIRST AMENDED  
COMPLAINT**

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

1 The Court, having considered Defendant Maxbounty, Inc.'s Motion to Dismiss Counts I, II  
2 and III of Facebook's First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiff  
3 Facebook's Opposition, and all associated briefing, supporting documents and evidence, IT IS  
4 HEREBY ORDERED THAT Defendant Maxbounty's Motion be DENIED.

5 IT IS SO ORDERED.

6  
7 Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Jeremy Fogel,  
United States District Judge

8  
9  
10 Presented on June 17, 2011 by

11  
12 By: /s/ James R. McCullagh  
13 James R. McCullagh, *pro hac vice*  
14 JMcCullagh@perkinscoie.com  
15 Brian P. Hennessy, State Bar No. 226721  
16 [BHennessy@perkinscoie.com](mailto:BHennessy@perkinscoie.com)  
17 Joseph P. Cutler, *pro hac vice*  
18 JCutler@perkinscoie.com  
19 3150 Porter Drive  
20 Palo Alto, CA 94304-1212  
21 Telephone: 650.838.4300  
22 Facsimile: 650.838.4350

23 Attorneys for Facebook, Inc.  
24  
25  
26  
27  
28