

1 SIMON J. FRANKEL (State Bar No. 171552)  
 E-Mail: sfrankel@cov.com  
 2 MALI B. FRIEDMAN (State Bar No. 247514)  
 E-Mail: mfriedman@cov.com  
 3 COVINGTON & BURLING LLP  
 One Front Street, 35th Floor  
 4 San Francisco, California 94111  
 Telephone: (415) 591-6000  
 5 Facsimile: (415) 591-6091

6 Attorneys for Defendant  
 LINKEDIN CORPORATION  
 7

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

11 KEVIN LOW, individually and on behalf of  
 12 all others similarly situated,

13 Plaintiff,

14 vs.

15 LINKEDIN CORPORATION, a California  
 Corporation, and Does 1 to 50 inclusive,

16 Defendants.  
 17  
 18  
 19

Civil Case No.: 5:11-cv-01468 LHK

**[Proposed] ORDER GRANTING  
 MOTION OF DEFENDANT  
 LINKEDIN CORPORATION TO  
 DISMISS THE COMPLAINT**

Date: September 15, 2011  
 Time: 1:30 pm  
 Courtroom: 4, 5th Floor

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Defendant LinkedIn’s Motion to Dismiss came on for hearing before this Court. Upon consideration of the Motion to Dismiss and attached Memorandum of Points and Authorities, the complete record on file in this action, and all other oral and documentary evidence and arguments presented to the Court, the Court finds pursuant to Federal Rule of Civil Procedure 12(b)(1) that plaintiff lacks standing under Article III of the U.S. Constitution to bring this action against LinkedIn. Pursuant to Federal Rule of Civil Procedure 12(b)(6), the Court further finds that each of the ten causes of action in the Complaint fails to state a claim upon which relief can be granted.

IT IS THEREFORE ORDERED that LinkedIn’s Motion to Dismiss is GRANTED in its entirety and the Complaint is hereby dismissed without leave to amend and with prejudice. IT IS SO ORDERED.

Date: \_\_\_\_\_, 2011

\_\_\_\_\_  
Honorable Lucy H. Koh  
United States District Judge