

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

PRAGMATIUS AV, LLC,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Civil Action No. 2:10-cv-00560-HCM/FBS

**[PROPOSED] ORDER GRANTING DEFENDANT FACEBOOK, INC.’S RULE 12(b)(6)  
MOTION TO DISMISS, OR IN THE ALTERNATIVE, FOR A  
MORE DEFINITE STATEMENT**

The above matter having come before the Court on Facebook, Inc.’s (“Facebook”) Rule 12 (b)(6) Motion to Dismiss Plaintiff’s Complaint, or in the Alternative, for a More Definite Statement, and the Court having considered the motion and arguments in support thereof and any opposition thereto, it is

ORDERED and ADJUDGED as follows:

1. The Plaintiff’s allegations of direct infringement against Facebook (Complaint ¶¶ 8, 12) are hereby DISMISSED for failure to state a claim upon which relief can be granted.

2. The Plaintiff’s allegations of induced infringement against Facebook (Complaint ¶¶ 9, 13) are hereby DISMISSED for failure to state a claim upon which relief can be granted.

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3. The Plaintiff's allegations of contributory infringement against Facebook (Complaint ¶¶ 9, 13) are hereby DISMISSED for failure to state a claim upon which relief can be granted.

So ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2011.

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The Honorable Henry C. Morgan, Jr.  
United States District Court Judge

## CERTIFICATE OF SERVICE

I certify that on January 21, 2011, I will electronically file the foregoing [PROPOSED] ORDER GRANTING DEFENDANT FACEBOOK, INC.'S RULE 12(b)(6) MOTION TO DISMISS, OR IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Mark W. Wasserman (VSB #22638)  
Matthew R. Sheldon (VSB #41892)  
*Counsel for Plaintiff, Pragmatus AV, LLC*  
REED SMITH LLP  
3110 Fairview Park Drive  
Suite 1400  
Falls Church, Virginia 22042  
Telephone: (703) 641-4229  
Facsimile: (703) 641-4340  
mwasserman@reedsmith.com  
msheldon@reedsmith.com

/s/ Justin P.D. Wilcox  
Justin P.D. Wilcox (Va. Bar No. 66067)  
jwilcox@cooley.com  
COOLEY LLP  
One Freedom Square, Reston Town Center  
11951 Freedom Drive  
Reston, VA 20190-5656  
Telephone: 703.456.8000  
Facsimile: 703.456.8100

*Attorneys for Facebook, Inc.*