

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

PRAGMATUS AV, LLC,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

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

**DECLARATION OF JUSTIN P.D. WILCOX IN SUPPORT OF DEFENDANT  
FACEBOOK, INC.'S RULE 12(b)(6) MOTION TO DISMISS OR, IN THE  
ALTERNATIVE, FOR A MORE DEFINITE STATEMENT**

I, Justin P.D. Wilcox, hereby declare and state as follows:

1. I am an attorney licensed to practice in the Commonwealth of Virginia, where I am an associate at the law firm of Cooley LLP, counsel in the above-captioned matter for Defendant Facebook, Inc. ("Facebook"). This declaration is based on my own personal knowledge. If called upon to testify, I could and would testify competently thereto.
2. Attached as Exhibit A is a true and correct copy of an Order Granting Motion to Dismiss in *Quito Enterprises, LLC v. Netflix, Inc.*, Case No. 08-23543-CIV (S.D. Fla.), dated August 4, 2009.

I declare under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct and that this declaration was executed by me on this 21st day of  
January, 2011 at Reston, Virginia.

/s/ Justin P.D. Wilcox

Justin P.D. Wilcox

## CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of January, 2011, I will electronically file the foregoing DECLARATION OF JUSTIN P.D. WILCOX IN SUPPORT OF DEFENDANT FACEBOOK, INC.'S RULE 12(b)(6) MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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*/s/ Justin P.D. Wilcox*  
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